

MISS AMERICAN TEENAGER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 1969

Mr. WOLFF. Mr. Speaker, I am indeed privileged and proud that Miss American Teenager of 1969, Fran Garten, is a constituent of mine. Miss Garten, of Great Neck, N.Y., recently was selected to receive this honor after extensive competition among young women from throughout the country.

One of Miss Garten's greatest interests is the danger caused by cigarette smoking and she has devoted a good part of her young life to point out the dangers of smoking. An article entitled "Why I Don't Smoke Cigarettes" authored by Miss Garten explains rather touchingly why she feels so strongly about the health hazard of smoking.

Because of the relevance her comments have for young people like herself and under leave to extend my remarks I include her article in the RECORD at this point:

WHY I DON'T SMOKE CIGARETTES
(By Fran Garten)

(Miss Garten, 17, of Great Neck, New York was crowned "Miss American Teen-Ager" in the 9th annual "Miss American Teen-Ager Contest" held in September. She is a senior at Great Neck South High School.)

I am very grateful for winning the 9th

annual "Miss American Teen-Ager" Contest for it has given me the opportunity to tell Americans everywhere my reason for deciding not to start smoking cigarettes. I was never tempted to smoke, not because I was afraid that it would anger my parents, but because of something that happened to me. Whether you smoke or not, let me tell you my story, and then draw your own conclusions;

I once thought I would like to become a nurse, so two years ago I worked as a Junior Nurses Aide at our local hospital. It seemed a good idea to see if I would be able to cope with some of the situations a nurse has to handle in her work. I found it very rewarding. One experience during that period I can never forget.

The first week I was assigned to a floor where the accident victims were. I met one very pleasant lady there. We talked quite often, but she never said what was wrong with her, and I didn't ask. But I wondered about it. She seemed perfectly healthy to me. Because I was assigned to many different floors in the hospital, I didn't see her again until the end of the summer. One day my duty was on the fourth floor. I had been warned by my fellow aides that this floor was the most depressing of all. The patients on four were terminal cases. I walked into one of the rooms, and was very surprised to see the pleasant lady I had talked with at the beginning of the summer. How she looked really shocked me; I learned later that her appearance was typical for a victim of lung cancer. . . .

This was my own experience; I didn't read it in a book or see it in a movie. I'll never forget it, and if ever I have the slightest yen to start smoking, remembering that very nice person in such pitiful condition, should certainly be enough to squelch it.

Sports, especially tennis, are another reason I don't smoke. They are a big part of my life, and I know cigarettes would cut my wind, and also slow up my game. This is only one, not-too-serious effect of smoking I've already told you the final effect, the very final one.

Science is one of the forces today that we young people are very aware of, and scientists have proved that cigarettes cause cancer among other diseases. I saw an American Cancer Society movie at school that showed what smoking does to different parts of the body. There is just no room to dodge the cold facts anymore.

And there are a lot of other facts in our world that can't be dodged. I've done some volunteer work with the underprivileged, and also with handicapped children, so I do know a little about life's injustices first hand. Like many teenagers in this country, I'd like to try to do something about these things. Winning the nationwide Miss American Teen-Ager Contest and traveling throughout the country with this title, will help me achieve this goal. I plan to become a Physical Therapist in college, and hopefully, to join the Peace Corps after that. With all these things that I hope to accomplish, I don't want cigarette smoking to ruin my health, before I get a chance to do them.

So, the next time someone offers you a cigarette and you want to feel like you "belong" or think it will make you a "sophisticated" remember my story, and know that it is better to deny yourself that single moment of so-called glory, than to deny yourself with good health and LIFE itself. I have a collection of buttons with sayings that kid the smoking habit. My friends and I have a great time wearing them. People's reactions are amazing.

HOUSE OF REPRESENTATIVES—Monday, February 17, 1969

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord give thee wisdom and understanding, that thou mayest keep the law of the Lord, thy God.—1 Chronicles 22: 12.

O Lord of love and God of all goodness, in this sacred moment we bow at the altar of prayer thanking Thee for the recess we have had and praying for Thy guidance as we face the days that lie ahead.

With the wings of Thy wisdom and the strength of Thy spirit may we accept the heavy responsibilities placed upon us in this high hour of our national life. During these turbulent times filled with the bitter tones of angry hatred, help us to hear Thy still, small voice speaking the words of justice and freedom and peace:

Be Thou our wisdom, O Thou our true word;
We ever with Thee, and Thou with us, Lord;
Thou our Great Father, we Thy true sons;
Thou in us dwelling, and we with Thee one.

Amen.

THE JOURNAL

The Journal of the proceedings of Friday, February 7, 1969, was read and approved.

APPOINTMENT AS MEMBERS OF THE FEDERAL RECORDS COUNCIL

The SPEAKER. Pursuant to the provisions of title 44, United States Code, section 2701, the Chair appoints as members of the Federal Records Council the following Members on the part of the House: Mr. STAGGERS and Mr. LUJAN.

APPOINTMENT AS MEMBERS OF THE NATIONAL ADVISORY COMMISSION ON LOW-INCOME HOUSING

The SPEAKER. Pursuant to the provisions of section 110(a), Public Law 90-448, the Chair appoints as members of the National Advisory Commission on Low-Income Housing the following Members on the part of the House: Mr. PATMAN, Mr. BARRETT, Mr. DEL CLAWSON, and Mr. BROWN of Michigan.

APPOINTMENT AS MEMBERS OF THE JOINT COMMITTEE ON NAVAJO-HOPI INDIAN ADMINISTRATION

The SPEAKER. Pursuant to the provisions of section 10(a), Public Law 474, 81st Congress, the Chair appoints as members of the Joint Committee on Navajo-Hopi Indian Administration the following Members on the part of the House: Mr. HALEY, Mr. UDALL, and Mr. STEIGER of Arizona.

NAME LATIN-AMERICAN CHIEF

(Mr. MONAGAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, it is now approximately a month since Inauguration Day and no one has yet been named to the vitally important post of Assistant Secretary of State for Inter-American Affairs.

While appreciating the multitude of problems which face President Nixon and wishing in no way to add to his difficulties, nevertheless I respectfully suggest that someone should be named to this position immediately.

Not only are we involved in the increasingly disturbing hijacking problem with Cuba and the rising tide of expropriation and anti-Americanism in Peru, but we must follow closely the approaching election in Chile and support Bolivia's attempts to improve her internal security and general stability. Added to this are the increasing concern about the status of economic development in the Latin countries and the need for a review of the Alliance for Progress program. Finally and most urgently we have recently been confronted with the Peruvian seizure of American fishing boats and the actual firing of shots at U.S. ships.

With all these problems facing us and other potential ones in the offing, surely an experienced, knowledgeable and able person is needed at the head of this subdivision of the State Department.

I hope and trust that this nomination will be made without further delay.

THE 51ST ANNIVERSARY OF THE INDEPENDENCE OF THE UKRAINE

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, this past month we celebrated the 51st anniversary of the independence of the Ukraine. We know, of course, that the Ukrainian people do not enjoy independence or freedom in fact, and that, as they have been for decades, they are captives of Russian tyranny.

But, Mr. Speaker, as long as we continue to denounce the illegal and immoral control of the Ukrainian homeland by the Russians, as long as we continue to keep the issue of Ukrainian independence before the world community, a ray of hope exists.

The hearts and prayers of freedom-loving people everywhere are with the brave Ukrainians and the other nations enslaved behind the Iron Curtain. Let us never forget their plight.

LET'S CUT OFF PERUVIAN FISHERY IMPORTS

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, on January 29, I introduced H.R. 5277, which, if enacted, would instruct the President to impose a ban on fishery imports from countries interfering with our fishermen outside the 12-mile limit.

I introduced the bill in response to an unprovoked machinegun attack by an Ecuadorian warship against a U.S. tuna-boat. After last Friday's foray by Peru, the legislation seems more pertinent than ever.

Under terms of the Hickenlooper amendment, Peru is facing total loss of U.S. economic assistance as punishment for the seizure of oilfields and other property of the International Petroleum Co., a Standard Oil of New Jersey subsidiary. Our new law providing for the withholding of aid from countries that shakedown our fishermen thus might well be preempted—if there is no aid to withhold.

I believe H.R. 5277 might provide a satisfactory alternative, especially in view of the volume of Peruvian fishery exports to the United States.

Last year alone, we bought \$58.8 million worth of Peruvian fishmeal, used primarily as fertilizer, and \$3.6 million in edible fish products.

Our fishmeal imports from Peru have been increasing at a rate that is most profitable to Peru, which has demonstrated such scant regard for our own fishing industry. Our fishmeal purchases rose from \$35.8 million in 1966 to \$46.9 million in 1967 to the record \$58.8 million of last year.

I would also like to point out that H.R. 5277 would be more widely applicable than the cutoff provisions of the Fishermen's Protective Act, since it would cover all cases of illegal harassment, regardless of whether the fishermen involved had suffered an actual financial loss.

PERU AND ECUADOR CONTINUE GUNBOAT DIPLOMACY AGAINST AMERICA

(Mr. PELLY asked and was given permission to address the House for 1 minute.)

Mr. PELLY. Mr. Speaker, last Friday when the House was in recess, a Peruvian gunboat, without provocation and in international waters, illegally seized one American fishing boat and fired 45 rounds on another U.S. fishing vessel causing considerable damage. Let me emphasize that these vessels were fishing more than 20 miles off the Peruvian coast, well beyond the internationally accepted fishing zone of 12 miles.

Immediately upon learning of these incidents I dispatched wires to Secretary of State William Rogers and to President Nixon requesting U.S. naval protection for these Americans, and I was gratified to learn that the President was personally investigating these incidents and that Secretary Rogers took such swift action in calling in the Peruvian Ambassador to discuss the matter.

However, Mr. Speaker, since these militant attacks upon Americans last Friday, another country, after giving permission to the American boat *San Juan* to enter port to have the damage by Peru assessed, unlawfully confiscated the ship's record and log book of the *San Juan* and said she was free to leave port. Instead of safe passage, her records were stolen and her captain, already the object of armed attack, was fired on by two shots as he escaped this unlawful detention by Ecuador.

These incidents, Mr. Speaker, have created shock to many Americans through the publicity over this weekend. Members of the House, are well aware of these provocative attacks that have been occurring over the past 15 years.

It is all the more important today, Mr. Speaker, that all interested parties sit down at a conference table and discuss fisheries of the eastern Pacific, and I urge the swift meeting of all sides to hopefully bring about such an agreement and under international law.

ANNOUNCEMENT CONCERNING SPECIAL ORDER TODAY

(Mr. FINDLEY asked and was given permission to address the House for 1 minute.)

Mr. FINDLEY. Mr. Speaker, I have taken a 30-minute special order for today for the purpose of discussing the Commander Bucher case. I invite any of my colleagues who might like to enter into a dialog to stay for that purpose.

A NATION UNDER GOD

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, today I have introduced a joint resolution proposing an amendment to the Constitution which would return to our citizens the right of prayer in public buildings. This amendment is identical to one offered

by Senator DIRKSEN and would restore to the people of our Nation a religious liberty surely intended by the authors of the Constitution but now denied by a decision of the Supreme Court of the United States.

With other Members, I have received many letters protesting that in the guise of protecting religious liberty, our Supreme Court actually denies that which it claims to protect.

My constituents are concerned especially that this decision denies the right of prayer in public schools, in the face of evidence on every hand that youth needs more, not less, religious experience. On my questionnaire, they have voted 9 to 1 for the action which my resolution proposes.

Many of my correspondents note the travesty of a nation claiming that "In God We Trust," and installing its highest officials with an oath ending "So help me God," yet at the same time denying the right of prayer to that same God in our schools.

Now we hear the threat that instigators of the present ban on prayer would seek to extend that prohibition even to such readings of the Scripture as were heard so impressively on Christmas eve from Apollo 8 as it circled the moon.

Mr. Speaker, my resolution will give the people opportunity to proclaim for all the world to know that, Court decision notwithstanding, this is still "a Nation under God."

ORDER ON COLLEGE CAMPUSES

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I listened with some interest to the speech of the gentleman from Ohio (Mr. LATTI) about a speech by the Vice President about order on college campuses.

I might just observe, it was fine to make those speeches about law and order last fall when they were out, but now that they are in I would think fewer speeches and more action would be in order.

READING OF GEORGE WASHINGTON'S FAREWELL ADDRESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on Thursday, February 20, 1969, George Washington's Farewell Address may be read by a Member to be designated by the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. Pursuant to the special order agreed to today, the Chair designates the gentleman from Virginia (Mr. WAMPLER) to read Washington's Farewell Address immediately following the approval of the Journal on February 20, 1969.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PROTECTION OF DISABILITY EVALUATION IN EFFECT FOR 20 OR MORE YEARS

The Clerk called the bill (H.R. 4622) to amend section 110 of title 38, United States Code, to insure preservation of all disability compensation evaluations in effect for 20 or more years.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I believe I understand the purpose of this bill.

I have had a copy of the report and of the bill, and I have been supplied the information sheet by the Committee on Veterans' Affairs.

I do have one question. Is there not some substantive change, and will there not be some additional cost, if we make applicable under unanimous consent the word "evaluation" in lieu of the word "percentage" for those who have under a 30-percent recognized disability?

Mr. TEAGUE of Texas. Mr. Speaker, I would say to the gentleman that it would be so minor that maybe in the entire 27 million veteran population there might be 1,000 cases that would be involved to a little degree.

Mr. HALL. Mr. Speaker, I thank the gentleman for his explanation and also compliment him on the statement by the department downtown and the statement of the committee, that the cost will be minimal while justifying this as being in equity for those particular few to whom it does apply. Is that a fair summary of the situation that we are trying to correct in the interests of equity and justice?

Mr. TEAGUE of Texas. That is certainly so; and to be consistent in our legislation this little, minor change needs to be made.

Mr. HALL. Mr. Speaker, I compliment the gentleman and thank him for his response.

Mr. Speaker, I withdraw my reservation of objection.

Mr. TEAGUE of Texas. Mr. Speaker, in the 83d Congress Public Law 311 was enacted which provided that a rating of total disability or permanent total disability which had been made for pension, insurance or compensation purposes and which had been in force for 20 or more years under laws administered by the Veterans' Administration should not thereafter be reduced except upon a showing of fraud.

In the 88th Congress Public Law 445 was enacted which prevented the reduction of any disability rating 10 percent through 90 percent which had been in effect for 20 or more years.

In addition to these disability percentage ratings, veterans' laws provide higher statutory rates of compensation payable for certain serious service-connected disabilities or combinations of disabilities, and a special rate is provided for certain specified losses or losses for use that is payable in addition to the basic rates of disability compensation. As an example of this latter rate, the loss of an arm as the result of wartime service might be rated at 70 percent which today would result in monthly compensation of \$174 for a veteran alone. In addition he would receive the \$47 statutory award.

Using the same example, if the award had been made for the loss of use, the VA upon a finding that the arm was usable, could eliminate the statutory award. This is possible because Public Law 88-445, which used the term "percentage," did not protect the mentioned statutory award. This bill would bar reductions of any statutory award that has been in effect for 20 years or more.

The cost will be minimal, with a maximum of 1,000 cases.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 4622. This bill will correct an inequity in the law relating to the payment of service-connected disability compensation.

As the result of legislation previously enacted into law, a protection against reduction in any disability rating that has been in effect for 20 or more years has been extended to those veterans with service-connected disabilities rated at 10 through 100 percent. A large group of sick veterans who are so seriously disabled that their disabilities do not fit into the 10 through 100 percent category receive a special monthly compensation fixed by law. In this group are blinded veterans and those who have sustained the multiple loss of use of their extremities.

This group of seriously disabled veterans are not protected against reduction in rating after 20 years because there is no percentage rating assigned to their disabilities. H.R. 4622 would correct this inequity by extending their protection to any service-connected disability evaluation.

Inasmuch as this protection has already been extended to a vast majority of the service-connected disabled group, equity requires that a similar protection be afforded the most seriously disabled group. Mr. Speaker, I urge that the bill be passed.

Mr. BOLAND. Mr. Speaker, I want to express my support for H.R. 4622—a bill that would eliminate a major inequity in the law protecting veterans' disability payments.

The law, enacted in the 88th Congress, prohibits reductions in a veteran's disability rating if the rating has been in effect for 20 years or more. But the law's provisions deal only with disability percentages and say nothing about statutory ratings—the ratings authorizing monthly cash awards to veterans afflicted with certain major disabilities or anatomical losses. A veteran who lost an arm in wartime service, for example, now is protected against reductions in his 70 percent disability rating but not against the statutory rating granting him a \$47 monthly award.

It seems only just, Mr. Speaker, to extend the law's provisions to protect longstanding statutory ratings as well as conventional disability ratings. The Veterans' Administration points out:

The existing situation is discriminatory in that the more seriously disabled veterans are not afforded the protection extended to those with less serious conditions.

I urge swift passage of the bill now before us.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 4622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective August 19, 1964, section 110 of title 38, United States Code, is amended by striking out "percentage" each time it occurs and inserting in lieu thereof "evaluation".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE CONCURRENT JURISDICTION (UNITED STATES AND STATE OF MONTANA) AT FORT HARRISON, MONT.

The Clerk called the bill (H.R. 3689) to cede to the State of Montana concurrent jurisdiction with the United States over the real property comprising the Veterans' Administration Center, Fort Harrison, Mont.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I simply have one question for information. Would it not be worthwhile to consider general legislation to give concurrent jurisdiction in all of the States of the Union where we have veterans facilities instead of doing it piecemeal for the purpose so well set out in the committee report by the Committee on Veterans' Affairs?

Mr. TEAGUE of Texas. Will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. TEAGUE of Texas. Yes. I think that is probably what should have been done, but because of this being a specific request from the State of Montana and the local authorities being reluctant to come in, we did go ahead and report this bill out. If we do provide general legislation in this field, it will not affect this bill at all.

Mr. HALL. Mr. Speaker, am I not correct that we have done this before for other States or municipal areas, giving concurrent jurisdiction along with the Veterans' Administration to a few specific facilities?

Mr. TEAGUE of Texas. In certain areas we have.

Mr. HALL. Mr. Speaker, I thank the gentleman and withdraw my reservation of objection.

Mr. TEAGUE of Texas. Mr. Speaker, the bill would cede to the State of Montana concurrent jurisdiction with the United States over the real property comprising the Veterans' Administration Center, Fort Harrison, Mont. The cession would be effective upon acceptance by that State.

Exclusive Federal jurisdiction has created difficulty in obtaining certain services adjunct to operation of the center. Local authorities have furnished various services even though there has been doubt expressed as to the legality of actions taken. For example, on one occasion it was necessary for a local deputy sheriff to come to the center to disarm a former patient who had returned to the center armed, threatening several employees. On another occasion a patient in the

center apparently committed suicide and it became necessary to hold an inquest. The local authority held the inquest as a matter of courtesy, although expressing doubt as to its authority. The bill would remove the doubt by providing concurrent jurisdiction and authority in such cases.

The director of the center has advised that the matter has been discussed at the local level with the Federal Bureau of Investigation, the U.S. attorney, the county attorney, county sheriff, and judges of the State court. All recommend concurrent jurisdiction.

Exclusive jurisdiction over the Fort William Harrison military reservation vested in the United States under the Montana General Act of Cession of February 14, 1891. Beginning April 29, 1922, the hospital on the reservation was operated by the then Veterans' Bureau and later by the Veterans' Administration. On November 14, 1946, the then Secretary of War formally transferred approximately 180 acres of the reservation to the Veterans' Administration under the provisions of the act of June 22, 1944—Public Law 346, 78th Congress—as amended. The Veterans' Administration Center, which is composed of a regional office and a general medical and surgical hospital, is located on such acreage.

There would be no cost insofar as Federal expenditures are involved by the approval of this proposal.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 3689. This bill would cede to the State of Montana concurrent jurisdiction with the United States over the real property comprising the Veterans' Administration Center at Fort Harrison, Mont.

The exclusive Federal jurisdiction which presently exists has created certain difficulty in obtaining law enforcement and other legal services at this Center. Although local authorities have provided law enforcement and other legal services when needed, there has been doubt expressed as to the legality of actions that have been taken. Since there is only one resident FBI agent in Helena, for miles distant, and the nearest U.S. marshal headquarters is about 70 miles distant in Butte, the concurrent jurisdiction contemplated in this bill is necessary. Certainly, the enactment of this proposal would facilitate the orderly operation of the Veterans' Administration Center.

I urge that it be passed.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby ceded to the State of Montana concurrent jurisdiction with the United States over the real property comprising the Veterans' Administration Center, Fort Harrison, Montana.

Sec. 2. This cession of jurisdiction shall take effect upon acceptance by the State of Montana.

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS IN TITLE 38, UNITED STATES CODE

The Clerk called the bill (H.R. 684) to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, again reserving the right to object. I have no objection to these technical corrections, but I have one question. Referring either to page 2 under the section-by-section analysis on section 1 of this bill or to page 10 under the Ramseyer reprint on the subject, "Approval of Educational Institutions," will it not be a substantive change and a considerable additional cost if we allow these students to proceed not only through their 21st birthday but their 23d year while attending college?

Mr. TEAGUE of Texas. I will say to the gentleman that this is merely a correction of the law which we have already passed. It is just a correction in the code, title 38.

Mr. HALL. Mr. Speaker, am I to understand from the gentleman, then, that the law as encoded now enables them to go through the 23d year?

Mr. TEAGUE of Texas. That is correct.

Mr. HALL. Mr. Speaker, I thank the gentleman for his clarification and I withdraw my reservation of objection.

Mr. TEAGUE of Texas. Mr. Speaker, this measure amends title 38 of the United States Code to make certain technical corrections and correct typographical errors which have occurred in the various amendments of title 38 since the veterans' laws were codified in 1958. There are no substantive changes contained in this proposal; only technical corrections.

A section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS OF THE BILL

SECTION 1

Subsection (a) amends section 101(23) (A) of title 38 to change the reference therein to title 37 (Pay and Allowances of the Uniformed Services) from section 301 to 206. This change is necessitated by the recodification of title 37, contained in Public Law 87-649, and cites the applicable section of the recodification.

Subsection (b) amends section 101(25) (D) of title 38 to change the reference from Secretary of the Treasury to Secretary of Transportation. Public Law 89-670 transferred jurisdiction over the Coast Guard from the Department of the Treasury to the Department of Transportation and this change reflects the jurisdictional transfer authorized by that law.

Subsection (c) amends section 104(a) of title 38 to incorporate the present maximum age limit of 23 years on the granting of educational benefits to certain children as authorized by Public Law 89-311.

SECTION 2

This section transfers the authority presently granted the Administrator to employ the services of translators from section 232 of title 38 to section 213, a section which presently authorizes the Administrator to contract for various other services. Subsection (a) repeals the old section 232, with the net effect being to delete obsolete references to title 5 and incorporate the authority in

section 213; subsection (b) deletes the reference to section 232 from the table of sections at the beginning of chapter 3; and subsection (c) inserts the language on the employment of the services of translators into section 213.

SECTION 3

This section amends section 351 of title 38 to insert the specific effective date of the authority given the Veterans' Administration by Public Law 87-825 to offset awards granted under section 351 against any judgments, compromises, or settlements awarded individuals as the result of litigation, brought by them pursuant to title 28 (Judiciary and Judicial Procedure), based upon the same incident.

SECTION 4

Subsection (a) amends section 401(1) of title 38 to change the references to title 37 (Pay and Allowances of the Uniformed Services) to make them conform with the present sections of recodified title 37.

Subsection (b) amends section 411(d) (3) of title 38 to change the reference to title 45 (Railroads) from section 228c-1(i) to section 228c-1(h) based upon the redesignation of that section by Public Law 89-700.

SECTION 5

This section amends section 560(a) of title 38 to change the reference therein from the Department of the Treasury to the Department of Transportation. This revision reflects the change in jurisdiction over the Coast Guard from the Department of the Treasury to the Department of Transportation as provided for in Public Law 89-670.

SECTION 6

Subsection (a) amends section 625 of title 38 to substitute the title "magistrate" for "commissioner." This change reflects the abolition of the office of U.S. commissioner and the creation of the office of U.S. magistrate as provided in Public Law 90-578.

Subsection (b) amends section 631 of title 38 to delete obsolete references to the total of grants to the Republic of the Philippines in calendar years 1958 and 1959 for medical care for Philippine veterans.

Subsection (c) amends section 632(b) of title 38 to insert the effective date of September 30, 1966, which is applicable to the modification of certain agreements on hospital and medical care for Philippine veterans.

SECTION 7

This section amends section 904 of title 38 to delete language referring to time limitations on the filing of certain claims for burial benefits enacted in Public Law 88-3. These limitations have now expired and the language has become obsolete.

SECTION 8

This section amends section 1503(a) of title 38 to delete the obsolete reference to the 9-year period August 20, 1954, to August 20, 1963, on eligibility for vocational rehabilitation.

SECTION 9

Subsection (a) amends section 1701(a) (2) of title 38 to reflect the current age limitation of 23 years contained in Public Law 89-311 which is applicable to the granting of educational benefits to children other than those receiving benefits under the War Orphans' and Widows' Educational Assistance Act, as amended.

Subsection (b) amends section 1711(b) (1) of title 38 to correct the Code reference citation contained therein from section 1701(a) (10) to section 1701(a) (8).

Subsection (c) amends section 1765(c) of title 38 to insert the specific effective date of the savings provisions contained in that section.

SECTION 10

This section amends section 3203(d) (2) of title 38 to reflect the new minimum pension rate provided in Public Law 90-275 and elimi-

nate reference to any specific dollar amount in view of any further rate changes which may be made in the future.

SECTION 11

This section amends section 3301(1) of title 38 to merely eliminate a grammatical error contained in present law.

SECTION 12

Subsection (a) amends section 3401 of title 38 to incorporate the exception contained in section 500 of title 5, United States Code (originally enacted as Public Law 89-332), allowing certain persons to act on behalf of claimants.

Subsection (b) amends section 3402(c) of title 38 to redesignate the references to title 18 (Crimes and Criminal Procedures) to have them correspond to the redesignated sections provided for in Public Law 87-849. This subsection also reflects the incorporation of former section 99 of title 5 (Government Organization and Employees) into title 18 as provided by the recodification of title 5 set forth in Public Law 89-554.

SECTION 13

Subsection (a) amends section 3503(d) of title 38 to merely insert the effective date of Public Law 86-222 which limited the imposition of certain forfeitures for fraud.

Subsection (b) amends section 3405(c) of title 38 to insert the specific effective date of Public Law 86-222 in lieu of present language which merely cites "the date of enactment of this subsection."

SECTION 14

The first sentence of this section reserves to the Government the right to continue to claim any indebtedness which may be owed to the Government on the date of enactment of this bill under any of the laws repealed by this section.

Subsection (a) repeals subsection (a) of section 12 of Public Law 85-857 which contains obsolete savings clauses on time limitations for the training of World War II and Korean veterans.

Subsection (b) repeals section 2 of Public Law 86-236 which contains an obsolete savings clause which granted a full 5 years of educational training to certain children of Spanish-American War veterans.

Subsection (c) repeals section 5 of Public Law 86-785 which contains an obsolete savings clause which granted a full 5 years of educational training to certain children of veterans dying of disabilities incurred subsequent to the Korean conflict.

Subsection (d) repeals section 2 of Public Law 87-377 which contains an obsolete savings clause which granted 5 full years of educational training to certain children in the Philippines.

SECTION 15

This section amends section 1789 of title 38 to correct a printing error which occurred at the time of the enactment of the Veterans' Readjustment Act of 1966 (Public Law 89-358). The word "additional" contained in section 2 of that act is corrected to read "educational."

SECTION 16

This section amends section 101(3) of title 38 to insert the effective date of Public Law 87-674 which authorized the restoration of certain widows to the rolls.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 684. This bill will make certain technical changes in title 38 United States Code. The bill contains no substantive changes in the law. It will eliminate obsolete provisions contained in title 38. It will provide for technical conformance of title 38 with other laws which have recently been enacted. It will correct minor errors which have been discovered and will re-

peal certain obsolete savings provisions which are no longer applicable.

The committee has carefully avoided making substantive changes in law in the bill before the House. As originally introduced, the bill contained one provision that could have been construed as making a relatively minor substantive change in law. To avoid any such implication, a committee amendment has deleted this provision from the bill. I urge that the bill be passed.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 684

A bill to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 1 of title 38, United States Code, is amended as follows:

(a) by deleting in section 101(23) (A) "section 301 of title 37" and inserting in lieu thereof "section 206 of title 37";

(b) by deleting in section 101(25) (D) "the Treasury" and inserting in lieu thereof "Transportation"; and

(c) by deleting in section 104(a) "twenty-one" and inserting in lieu thereof "twenty-three".

Sec. 2. Chapter 3 of title 38, United States Code, is amended as follows:

(a) by deleting in subchapter III section 232 in its entirety;

(b) by deleting in the table of sections at the beginning of such chapter the following: "232. Employment of translators."; and

(c) by inserting in section 213 immediately after the word "persons" the following "(including contracts for services of translators without regard to any other law)".

Sec. 3. Section 351 of title 38, United States Code, is amended by deleting "hereafter" each place it appears therein and inserting in lieu thereof "on or after December 1, 1962".

Sec. 4. Chapter 13 of title 38, United States Code, is amended as follows:

(a) Section 401(1) is amended by deleting "sections 232(a), 232(e), or 308 of title 37" and inserting in lieu thereof "sections 201, 202, 203, 204, 205, or 207 of title 37"; and

(b) Section 411(d) (3) is amended by deleting "section 228c-1(i)" and inserting in lieu thereof "section 228c-1(h)".

Sec. 5. Section 560(a) of title 38, United States Code, is amended by deleting "the Treasury" and inserting in lieu thereof "Transportation".

Sec. 6. Chapter 17 of title 38, United States Code, is amended as follows:

(a) by deleting in the last sentence of section 625 the word "commissioner," and inserting in lieu thereof the word "magistrate";

(b) by deleting the last sentence of section 631; and

(c) by deleting in the first sentence of section 632(b) the words "the effective date of this amendment" and inserting in lieu thereof "September 30, 1966".

Sec. 7. Chapter 23 of title 38, United States Code, is amended as follows:

(a) by deleting the last sentence of section 902(b);

(b) by deleting in section 904 the words "whichever last occurs"; and

(c) by deleting in section 904 the words "or the date of enactment of this sentence".

Sec. 8. Section 1503(a) of title 38, United States Code, is amended by deleting immediately after "until" the following: "(1)

August 20, 1963, if such person was discharged or released before August 20, 1954, or (2)".

Sec. 9. Chapter 35 of title 38, United States Code, is amended as follows:

(a) by deleting in section 1701(a) (2) "twenty-one" and inserting in lieu thereof "twenty-three";

(b) by deleting in section 1711(b) (1) "section 1701(a) (10)" and inserting in lieu thereof "section 1701(a) (8)"; and

(c) by amending section 1765(c) to read as follows:

"(c) In the case of any individual who is an eligible person solely by virtue of subsection (a) of this section, and who is above the age of seventeen years and below the age of twenty-three years on September 30, 1966, the period referred to in section 1712 of this title shall not end until the expiration of the five-year period which begins on September 30, 1966."

Sec. 10. Section 3203(d) (2) of title 38, United States Code, is amended by deleting in the second sentence "\$30 per month which would be payable to the veteran while being furnished such care if pension were payable to him under section 521(c) of this title" and inserting in lieu thereof "the amount payable to the veteran while being furnished such care which would be payable to him if pension were payable under section 521(c) of this title".

Sec. 11. Section 3301 of title 38, United States Code, is amended by deleting in paragraph (1) thereof the period and the word "And" immediately following the word "claimant" the second place it appears therein and inserting in lieu thereof "and".

Sec. 12. Chapter 59 of title 38, United States Code, is amended as follows:

(a) by deleting the first word in section 3401 and inserting in lieu thereof "Except as provided by Public Law 89-332, no"; and

(b) by deleting in section 3402(c) "section 281 or 283 of title 18, or a violation of section 99 of title 5" and inserting in lieu thereof the following: "sections 203, 205, 206, or 207 of title 18".

Sec. 13. Chapter 61 of title 38, United States Code, is amended as follows:

(a) by deleting in section 3503(d) at each place it appears the word "the date of enactment of this subsection" and inserting in lieu thereof "September 1, 1959"; and

(b) by deleting in section 3504(c) the words "the date of enactment of this subsection" and inserting in lieu thereof "September 1, 1959".

Sec. 14. Except as to any liabilities which may be due the Government as the result of any benefits granted thereunder, the following provisions of law are repealed effective the date of enactment of this Act:

(a) Subsection (a) of section 12 of the Act entitled "An Act to consolidate into one Act all of the laws administered by the Veterans' Administration, and for other purposes", approved September 2, 1958 (72 Stat. 1264).

(b) Section 2 of the Act entitled "An Act to amend section 1701 of title 38, United States Code, to provide the same educational benefits for children of Spanish-American War veterans who died of a service-connected disability as are provided for children of veterans of World War I, World War II, and the Korean conflict", approved September 8, 1959 (73 Stat. 471).

(c) Section 5 of the Act entitled "An Act to provide education and training for the children of veterans dying of a disability incurred after January 31, 1955, and before the end of compulsory military service and directly caused by military, naval, or air service, and for other purposes", approved September 14, 1960 (74 Stat. 1024).

(d) Section 2 of the Act entitled "An Act to provide outpatient medical and dental treatment for veterans of the Indian wars on the same basis as such treatment is furnished to veterans of the Spanish-American War,

and to extend the time within which certain children eligible for benefits under the War Orphans Educational Assistance Act of 1956 may complete their education", approved October 4, 1961 (75 Stat. 806).

Sec. 15. Section 2 of the Veterans' Readjustment Benefits Act of 1966, approved March 3, 1966, is amended by deleting the word "additional" in "section 1789" and inserting in lieu thereof the following: "educational".

With the following committee amendments:

One page 3, strike out lines 18 and 19. On page 3, line 20, strike out "(b)" and insert "(a)".

On page 3, line 22, strike out "(c)" and insert "(b)".

On page 5, beginning on line 11, strike out "Except as provided by Public Law 89-332, no" and insert "Except as provided by section 500 of title 5, no".

On page 6, line 3, strike out "liabilities" and insert in lieu thereof "indebtedness".

On page 7, beginning on line 7, strike out all that appears after "Sec. 15," and insert in lieu thereof "Section 1789 of title 38, United States Code, is amended by striking out 'additional' and inserting 'educational'."

On page 7, immediately after line 12, insert the following new section:

"Sec. 16. Section 101(3) of title 38, United States Code, is amended by deleting 'enactment of the 1962 amendment to this paragraph' and inserting in lieu thereof 'September 19, 1962'."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVISIONS OF HOUSE RESOLUTION 376, 90TH CONGRESS, TO CONTINUE IN EFFECT DURING 91ST CONGRESS

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution (H. Res. 243) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 243

Resolved, That the provisions of House Resolution 376, Ninetieth Congress, are hereby continued in effect during the Ninety-first Congress; and be it further

Resolved, That the Clerk of the House of Representatives transmit a copy of this resolution to the Supreme Court of the United States and to any other court in which related legal proceedings may be pending or brought.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what is the nature of this resolution? For what does it provide?

Mr. ALBERT. Mr. Speaker, I will state to the distinguished gentleman from Iowa that in the 90th Congress, the House, by the adoption of House Resolution 376, authorized the Speaker to appoint special counsel to represent the House, its Members, and officers named as defendants, in the suit brought against the House by ADAM CLAYTON POWELL, JR.

This legal action is now pending in the Supreme Court of the United States. The resolution I have offered will continue the provisions of the resolution adopted in the 90th Congress, thus giving the

Speaker the authority to continue to retain counsel and protect the interests of the defendants and the House in this matter.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING THE GRADE OF GENERAL FOR THE ASSISTANT COMMANDANT OF THE MARINE CORPS

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 3832) to provide the grade of general for the Assistant Commandant of the Marine Corps so long as such office is held by the present incumbent, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grade of the Assistant Commandant of the Marine Corps is that of general so long as such office is held by the present incumbent.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"That Section 5202 of Title 10, United States Code, is amended by adding the following new subsections at the end thereof:

"(d) The Assistant Commandant of the Marine Corps, while so serving, has the grade of general, at the discretion of the President, by and with the advice and consent of the Senate; *provided, however*, That the total active duty strength of the Marine Corps exceeds 200,000, at the time of the appointment.

"(e) Notwithstanding the strength proviso in subsection (d), an officer once appointed to the grade of general under this section shall retain that grade so long as his appointment as the Assistant Commandant remains in effect."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend title 10, United States Code, to provide the grade of general for the Assistant Commandant of the Marine Corps when the total active duty strength of the Marine Corps exceeds 200,000."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to extend their remarks on the three bills just passed which came out of the Committee on Veterans' Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

STATISTICS ARE THE HEART OF DEMOCRACY

(Mr. OLSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. OLSEN. Mr. Speaker, the title of this brief statement, "Statistics Are the Heart of Democracy," is not original with me. It appeared 25 years ago in the New York Times. I wish that I had said it first. In a few succinct and emphatic words it sums up my own convictions. In a measured phrase it defines the mechanism through which "government of the people, for the people, and by the people" is made to function.

Unfortunately, however, there are some who would deny to the Government the facts it needs to govern "for the people"; who would deny to our citizens the information they must have to insure government "by the people"; and who would deny to the Congress the data it needs to legislate in behalf "of the people."

They would do this by the simple expedient of effectively eliminating some of the major statistical activities of government—by reducing the mandatory content of the 1970 Census of Population and Housing, for example, to fewer questions than were asked in the first census taken in 1790; by raising the false specter of "invasion of privacy" to delude the public into believing that census information will be used for illegal purposes; and by implying that the 1970 census has been tremendously and unwarrantedly expanded out of all proportion when, in fact, it is almost identical to the census taken in 1960—and who among us can even remember the census taker's 1960 visit?

A few days ago, the CONGRESSIONAL RECORD carried an article entitled "How Can We Make Government More Responsive to the Will and Need of the People?" A vital question, but one which has no real answer unless the basic information, the statistics, which define the "will" and describe the "need" are available from the Government itself. The people, the Congress, and the Government need more information, not less—and they need it from sources such as the Census Bureau which has an inviolable reputation for integrity, for the trustworthiness of its statistical reports, and for maintaining the absolute confidentiality of the individual data it collects.

In the 90th Congress, the House recognized the value of and the need for more adequate and up-to-date statistical information by passing legislation which authorized the Bureau of the Census to conduct a middecade census of population, unemployment, and housing beginning in 1975 and every 10 years thereafter. As a part of my continued support of efforts to improve our statistical system, I am reintroducing today a bill to accomplish this purpose. I will be recommending still other improvements in the future. It is a known fact that the dictators of this world survive as much through the technique of the "big lie," by suppression of information, as they do through suppression by force.

In 1790, John Curran wrote, "Eternal vigilance is the price of liberty." Data,

facts, statistics provide the illumination which insures that vigilance will be effective—whether it focuses on overcharging for drugs, the financial needs of education, the inequities of our tax laws, the level of our military preparedness, the problems of our cities, or the characteristics of our Nation and its people as described by census reports. Knowledge is the first step toward progress.

LAW OF THE LAND

(Mr. RIVERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include an editorial.)

Mr. RIVERS. Mr. Speaker, the law of the land is a term that is being misapplied, distorted, and extended by bureaucrats and do-gooders surpassing even the clear and unmistakable intent of Congress.

Nobody has the right to violate the law of the land. By the same token, no official of our Government has the right to promulgate rules, regulations, or guidelines in violation of the law of the land as clearly declared by the Congress of the United States.

In the above connection, Mr. Speaker, under date of Sunday, February 16, the Charleston News & Courier in an editorial titled "Law of the Land" discusses clearly and classically a magnificent editorial written by that distinguished and peerless journalist, David Lawrence, on this subject matter. Mr. Speaker, the law of the land is being applied to one section of our Nation and one people of our Nation in violation of the intent of Congress as set out in the Civil Rights Act of 1964. The schools of my Southland are being called upon to subscribe to guidelines clearly in violation of the law which are not required of other sections of our country. I want the Congress of the United States and the people of the United States to share with me the discourse on this subject by Mr. Lawrence as discussed by America's most outspoken newspaper. The editorial follows:

LAW OF THE LAND

While pressures on public school districts to step up racial mixture of classrooms continue unabated under the Nixon Administration, it is useful to repeat for the record precisely what is the "law of the land" on this controversial subject.

In an editorial by David Lawrence, U.S. News & World Report has reprinted a decision handed down July 15, 1955, by a three-judge court in the case of *Briggs v. Elliott*, originating in Clarendon County, South Carolina. The Supreme Court has allowed this decision to stand. Therefore it is the "law of the land." In part the decision reads:

Whatever may have been the views of this court as to the law when the case was originally before us, it is our duty now to accept the law as declared by the Supreme Court.

Having said this, it is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the federal courts are to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend.

What it has decided, and all that it has decided, is that a state may not deny to any

person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches.

Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend.

The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of government power to enforce segregation. The Fourteenth Amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals.

The Supreme Court has pointed out that the solution of the problem in accord with its decisions is the primary responsibility of school authorities and that the function of the courts is to determine whether action of the school authorities constitutes "good faith implementation of the governing constitutional principles."

The Civil Rights Act of 1964 gave the judgment of Congress in these words:

"Desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

Some of the guidelines and other pressures from the Dept. of Health, Education, and Welfare seem to go beyond the "law of the land." When bureaucrats exceed the law they too should be brought to book. We expect South Carolina representatives to insist that this be done.

TWENTY-FIFTH ANNIVERSARY OF SERVICEMEN'S READJUSTMENT ACT

(Mr. MILLER of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, a great milestone in the economic life of this country was the passage of the so-called GI bill of rights after World War II. This measure has been in effect for 25 years.

The investment in education made from this source has been responsible for the great strides, particularly in science and technology, that this country has made in the last 25 years.

The Honorable JOHN W. McCORMACK, Speaker of the House, was quick to sense this and on January 23, 1969, he addressed a letter to Harold E. Stringer, director of the American Legion on this subject that I commend to the reading of all of my colleagues and I am pleased to make it a part of my remarks:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 23, 1969.

HAROLD E. STRINGER,
Director, The American Legion,
Washington, D.C.

DEAR MR. STRINGER: It is a pleasure for me to join with you in commemorating the Twenty-fifth Anniversary of the Servicemen's

Readjustment Act, known as the "GI Bill of Rights." I firmly believe that the legislation establishing this Act is among the most successful of the entire century.

Before enactment of the GI Bill, educational assistance for returning veterans was unheard of. A program of such magnitude had been considered impossible. The GI Bill of Rights was revolutionary because, first of all, it responded to the reality that all veterans—able bodied as well as disabled—confront special problems in re-entering civilian life. The Congress in 1944 recognized that the veteran must have assistance which he himself can adjust to his needs. Secondly, the legislation was revolutionary in that it responded to the veteran's needs immediately upon his re-entry into civilian life. The benefit did not merely accrue at some future date, such as pension payment.

The educational assistance and home loan assistance improved the veteran's economic status, his vocational status, and enhanced his independence as a homeowner. It accrued not to the veteran alone, but to his present and future dependents. The assistance, therefore, benefitted far more millions of Americans than merely the individual veterans themselves.

When we consider the success and completion of the business, home and farm loans, and the vocational ability acquired, we have no doubt that the GI Bill enabled the returning veterans to carry into civilian life the resourcefulness and energy which distinguished them on the battlefield.

The legislation was an investment in America's most precious resource, that is, in our manpower. The increased education and heightened living standard of so large and dynamic a segment of the population could not help but catalyze and direct the energy of the entire Nation.

With best wishes, I am,

Sincerely yours,

JOHN W. McCORMACK,
Speaker of the House.

DEATH IN THE COAL MINES

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, the death toll has tolled for thousands of American coal miners.

Buried deep in last Friday's Wall Street Journal was the surreptitious announcement by the Secretary of Labor that he would not put into effect the limits on coal dust on coal mined for Federal contracts. These limits of 3 milligrams of coal dust per cubic meter of air were to go into effect at midnight last night, but now they have been postponed 90 days because the National Association of Manufacturers and some coal producers have objected.

On top of this comes the report that John F. O'Leary is to be fired as Director of the Bureau of Mines. In the brief 4 months he has headed the Bureau of Mines, Director O'Leary has moved swiftly and surely to protect the health and safety of the average coal miner. His dismissal would be a victory for the special interests who oppose vigorous enforcement of the law, and who oppose any strengthening of the law and its administration. It would be a kick in the teeth for the thousands of coal miners who daily run the risk of being gassed, burned, buried or trapped in the mines, and who suffer from the deadly effects of black lung—coal workers' pneumoconiosis. I urge every coal miner, every coal

miner's widow, and every coal miner's youngster whose father was killed or disabled in the mines to write to President Nixon and urge that John F. O'Leary stay on the job.

The new health standards which Secretary Shultz refused to put into effect are very clear and simple standards. Two months ago, when the Department of Health, Education, and Welfare announced that 3 milligrams per cubic meter of air was a recommended standard of coal dust to protect the coal miner against black lung, it was announced that this figure had been arrived at "after 16 years of study." Now the Secretary of Labor says he has to study these regulations for another 90 days. Why? Because some big producers sent him some telegrams saying it might cost a little money to keep down the coal dust.

The coal miners don't have high-paid lobbyists to tell them when to send telegrams. When are we going to start thinking about the health and safety of the human beings who work in the coal mines, instead of the profits of the producers?

Make no mistake about it, there is a revolt going on in the coal mines. These men are not going down into the mines and breathe this coal dust day after day, and subject themselves to the dangers of being killed and maimed on the job while we in Congress sit and do nothing and the producers call the tune. The United States is the only major coal-producing nation in the world that does not have a standard for keeping down coal dust. When are we going to act to protect human values instead of the profits of the coal producers?

HOUSE MUST SUPPORT U.N. SANCTIONS AGAINST RHODESIA

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, the present minority government in Rhodesia stands as an anathema to all that we in the United States believe right and just. A small racist minority, temporarily in control of the government under auspices of the legal British authorities, illegally proclaimed itself sole and permanent ruler of Rhodesia's 4 million Africans.

The Smith government violates international law. It daily flaunts international morality by refusing to permit the African majority a voice in its own destiny—a clear violation of the principle of self-determination to which the United States unreservedly adheres.

In an attempt to force the minority regime in Rhodesia to end its oppression of the nation's black majority, the United Nations Security Council voted in December 1966, to impose mandatory selective economic sanctions on Rhodesia. The United States supported this resolution and instituted it by Executive order. At that time I supported a House resolution backing U.N. action.

Last May, after recognizing selective sanctions to be ineffective, the Security Council passed a further resolution re-

quiring United Nations members to sever all economic relations with Rhodesia. On July 29, 1968, President Johnson implemented that resolution.

Today I am entering a House resolution in support of the expanded U.N. resolution. I firmly believe that the House must add its voice and prestige to the Presidential action so no doubt remains in the minds of any observer that the United States completely and unequivocally opposes any regime so based on racial prejudice and minority rule.

Our moral and political standing in the free world demands no less a commitment. The House of Representatives must take positive action showing the world that we agree with the United Nations that it is the duty of the total world community to take "all effective measures to bring to an end the rebellion in Southern Rhodesia, and enable the people to secure the enjoyment of their rights as set forth in the Charter of the United Nations."

The present Rhodesian regime threatens the peace and security of all Africa. It is an affront to international law and human decency. The House of Representatives must lend all support to the United Nations in efforts to deal with this infamous regime.

STATE TAXES ON NATIONAL BANKS

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. PODELL. Mr. Speaker, on Monday, November 25, 1968, I conducted public hearings in New York City on H.R. 19031, 90th Congress, second session, a bill to clarify the liability of national banks for sales and use taxes. The question of immunity of national banks from nondiscriminatory State sales and use taxes is becoming a matter of growing concern among State and local fiscal officers.

We shall shortly furnish the Members of this House with a report setting forth the results of a survey I have taken among all the States of the Union together with my findings as a result of the public hearings.

In the meanwhile, I should like to alert our colleagues to the urgency of this problem with statements I issued announcing the public hearings:

Congressman Bertram L. Podell announced today that he will conduct public hearings on proposed Congressional legislation to close a loophole that permits National Banks to become legal dodgers of state sales and use tax liabilities.

The public hearing will be held in Room 2705, New Federal Building, Foley Square, Manhattan starting at 10:00 a.m. Among those who will appear at the hearing are State Comptroller Arthur Levitt and City Comptroller Mario A. Procaccino, Attorney General Louis J. Lefkowitz, and State Commissioner of Taxation and Finance Joseph H. Murphy.

In announcing the public hearings, Congressman Podell said:

"There can be no sound reason why banks chartered under Federal Law should be permitted to escape responsibility for the support of state and local governments. A preliminary survey I have made indicates tenta-

tively that among 18 states, National Banks will be exempt from payment of a minimum of \$20 million dollars for the support of State and local governments. Like other business and commercial enterprises, and like State chartered banks the National Banks are recipients of a myriad of state and local services, and equity demands that they pay for these services just like other enterprises and competitive State banks. Indeed, it is incongruous to suggest that when the President of a National Bank shaves in the morning, he sees in the mirror's reflection a federal instrumentality."

Referring to a recent Supreme Court decision, *First Agricultural Bank v. Tax Commission*, 392 U.S. 339 (1968), that held National Banks to be immune from State sales and use taxes, Congressman Podell said:

"In recent years, State and local governments have been under greatest pressures to make budgetary ends meet. Resort to sales and use taxes has consequently become a major source of revenue for many States and for many local governments. In our own State, there is every reason to believe that the State sales and use tax will be increased from two to three percent. Nassau and Suffolk County executives have made public requests for a two percent County sales and use tax to meet exploding costs of County government. It is ridiculous to maintain on our statute books a law enacted in 1864, more than 100 years ago, that permits the National Banks to escape responsibility for paying a fair share of local government costs. It is, I believe, clearly a matter of records that the escape hatch opened by the Supreme Court decision will imbalance State and local budgets, many of which are held together by nothing more substantial than glue and paper clips."

Congressman Podell further disclosed that he has underway a survey of revenue losses to the various States as a result of the Supreme Court decision. Preliminary returns disclose the following State revenue losses:

Alabama	\$250,000-\$300,000
California	100,000
Florida	2,000,000-3,000,000
Georgia	2,046,700
Idaho	250,000-500,000
Maine	50,000
Maryland	1,000,000
Massachusetts	250,000
Michigan	1,000,000
Nebraska	375,000
New York City	1,750,000
New York State	5,000,000
North Carolina	185,000
Oklahoma	150,000
Rhode Island	100,000
Tennessee	1,500,000
Utah	106,000
Virginia	1,500,000
West Virginia	150,000

Some states have reported that they do not tax sales to National Banks, either because of State Law or a ruling of the Attorney General, exempting National Banks from such taxes. These states include, Arkansas, Connecticut, Hawaii, Kansas, Missouri, Texas, Wyoming.

In recent years, State and local governments have been under increasing pressures to make budgetary ends meet. Consequently sales and use taxes have become a major source of revenue for many states and local governments.

The immediate question before us is whether Congress should permit the existence of a privileged group, enjoying a special status of immunity from liability for payment of non-discriminatory State sales and use taxes. At its last term of Court, in *First Agricultural Bank v. Tax Commission*, the United States Supreme Court held that National Banks enjoy such a privileged status, under Section 41 of the National Bank Act.

The question of intergovernmental immunities is a fundamental one in a Federal

system of government, and finds its roots in the formative years of our Nation. Just about 150 years ago, in 1819, in the celebrated case of *McCulloch v. Maryland*, Chief Justice John Marshall held invalid a State law levying a tax on currency issued by the Second Bank of the United States. The doctrine enunciated by the Supreme Court, that the power to tax is the power to destroy, has become so fundamental a part of our Federal structure, that it is familiar even to Freshmen students of the American political system.

In pristine form, the doctrine of intergovernmental immunities is unassailable, but its application to specific circumstances is fraught with many difficulties. This is evident from the views expressed by another Justice Marshall on the Supreme Court, Mr. Justice Thurgood Marshall.

Dissenting from the Court's decision in *First Agricultural Bank v. Tax Commission*, Justice Thurgood Marshall said that he could find nothing in the United States Constitution that granted to National Banks immunity from payment of a sales tax of universal application upon the purchase of a waste paper basket by such a bank.

When the United States Supreme Court handed down its decision in *First Agricultural Bank v. Tax Commission*, I introduced a bill in Congress, H.R. 19031, amending Section 41 of the National Bank Act, to establish clearly the liability of National Banks for non-discriminatory sales and use taxes upon taxable personal property purchased by such banks.

Section 41 of the National Bank Act was enacted over 100 years ago, in 1864, with respect to a National Bank, whose relationship with respect to the Government of the United States differed in marked respect from the relationship between National Banks today and the Federal Government. Section 41 of the National Bank Act was enacted long before the fertile minds of State fiscal officers ever dreamed of sales taxes.

The purpose of these hearings is to determine first the extent of revenue losses suffered by State and local governments as a result of the exempt status held by National Banks, and second whether perpetuation of this exemption can be equitably sustained.

I am grateful to all of you who have joined with us at these hearings. It is my intent, after the conclusion of these hearings and after completion of a survey I am making of all the States, to file a report with the members of Congress, so that constructive action may be taken on this matter. Your participation in these hearings will therefore bring to the Congress the benefit of your experience and your views. I deeply appreciate your cooperation.

A CALL FOR JUSTICE

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. KOCH. Mr. Speaker, I would like to inform my colleagues in the House that on February 9, 1969, I wrote to President Nixon. It was on a matter of conscience and one which affects the lives of thousands of young men—those who have left this great country and gone into exile, hundreds of whom are in jail in this country, and others who are labeled deserters and are now in Sweden, to avoid military service in a war which they believe to be immoral and violative of their conscience. It is estimated that there are now in Canada between 5,000 and 30,000 such young men. In many cases, these are the very best of our youth.

My proposal to the President is that he use his executive power to redefine the

status of the conscientious objector so as to include in that definition those who are selective conscientious objectors and who oppose, in this case, the Vietnam war. My proposal to the President is not that of a general amnesty—such an amnesty could only come after the war had been concluded—but rather it would require that the young man who established that he was in fact a bona fide selective conscientious objector, perform an acceptable form of alternative service as is presently available to the conscientious objector.

My letter asks that this policy be applied to those that I described above as well as the thousands of others who are now subject to the draft and will be called to serve in the Armed Forces of this country. I would point out that a young man who would avail himself of this opportunity takes a great chance. The procedure I suggest is no Mexican divorce where the application is made by mail. The young man would have to physically present himself before the appropriate Selective Service Board and make out his case. If he failed to establish the legitimacy of his claim and if he is one of those who is now a violator of the law as it is currently defined and does not come within the proposed new definition, he would then be subject to all of the penalties of the law.

This proposal that I make is not radical. Indeed, proposals like it have been made by the National Council of Catholic Bishops, the World Council of Churches and the Governing Council of the American Jewish Congress.

President Nixon has made it clear that the major mission of his administration is that of bringing this Nation together. I submit that a major step in that direction would be by taking action in support of this proposal.

At this point, I should like to insert the full text of my letter to the President:

FEBRUARY 9, 1969.

HON. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: I respectfully request that you take immediate action to grant exemption from military service to young men who are conscientiously opposed to the Vietnam War. As a corollary to this policy, men who have been convicted of draft evasion or who have fled the country to avoid military service in Vietnam should be given an opportunity to demonstrate that they were conscientiously opposed to the War. In all these cases, those excused from military service should be required to perform alternative service comparable to that now asked of conscientious objectors traditionally exempt from military service.

It is now plain that the war in Vietnam is the most unpopular engagement in American history. Once there were only scattered protests to the War; now there is national momentum in favor of liquidating the conflict—one of the saddest chapters in our foreign policy. But although the question of the War is of vital importance to all of us, it is of special and poignant concern to the young men who are subject to military service. They stand to lose their lives or take the lives of others in a cause that a growing portion of Americans believe to be mistaken.

As President, you have already taken a very important step in recognition of the opposition to enforced service in the military by requesting the Defense Department to develop plans to establish a voluntary army as soon

as circumstances permit. I applaud this step because I believe that the draft constitutes a severe and unnecessary deprivation of individual liberty and because our military needs can be satisfied by a program which pays for itself.

I understand why you are postponing implementation of the concept of a volunteer army.

But there is one major action that you can take right now if you recognize the moral basis to the war protest and really intend to bring the nation together again.

Immediate executive action should be taken by granting exemptions from military service to young men who conscientiously oppose the Vietnam War even though they are not opposed to service in all wars.

The nation has long exempted conscientious objectors because of their sincere opposition to service in war or the military. It is increasingly recognized that objection to engaging in a particular war may stem from the same depth of conscience as resistance to participation in all wars; that it is not mere political protest; that it is based on a religious and ethical revulsion against a particular conflict.

Many leading religious and moral leaders have supported this position. Shortly before his tragic death, the Reverend Martin Luther King, Jr. said that "Every young man who believes (the Vietnam) war is abominable and unjust should file as a conscientious objector." The late Father John Courtney Murray took a similar position. He said that "we all owe some debt of gratitude to those who, by raising the issue of selective conscientious objection, have undertaken to transform the tragic conflict in South Vietnam into an issue not simply of political decision and military strategy, but of moral judgment as well."

Moreover, delegates to the World Council of Churches voted almost unanimously last year that "the churches should give spiritual care and support . . . to those who, especially in the light of the nature of modern warfare, object to participation in particular wars they feel bound by conscience to oppose." And in a recent pastoral statement, the National Council of Catholic Bishops of the United States recommended that consideration be given those whose "reasons of conscience are more personal and specific" than "total rejection of military force."

I agree with these sentiments. I ask that you take immediate action to implement them by requesting the Director of Selective Service System and local boards to grant exemptions in such cases. The President has the legal power to act, because the governing statute on conscientious objection can properly be interpreted to include the selective C.O. Indeed, several lower courts have already reached this result as a matter of judicial construction; and legal scholars have defended it.

This significant moral issue should be decided by you as Chief Executive. The Director of Selective Service, General Hershey, appears to have a closed mind on the matter. His approach is typified by his statement that "the Conscientious Objector by my theory is best handled if no one hears of him." This seems to me to be an insensitive as well as impractical attitude to a vital question of national policy.

Although I fervently hope that you will act, if you decline to do so, the Congress should amend the law to require local boards to grant exemptions for selective conscientious objectors. I shall myself introduce such a bill or join with other Members of the House in taking this action.

Whether the President or the Congress acts in this matter, it should be understood that all who are exempted from the military will be required to perform an acceptable form of alternative service such as that now performed by traditional conscientious objectors.

Some people who sympathize with the claim of selective conscientious objection have expressed the understandable concern that spurious claims will flourish if an exemption is recognized. But there is little basis for this fear. As in the case of the conscientious objector to all wars, a rigid investigation is required of each applicant. Experience shows that feigning of conscience is extremely difficult and is not the likely escape for those who wish to evade the draft through loopholes in the law.

The young men who have asserted the claim of selective objection are not law-breakers or unpatriotic. On the contrary, they include some of our finest youth. As Father Murray said, they should be praised for raising a moral issue of profound significance. At present they are forced into the heart-rending dilemma of service in a war they deeply oppose or prison or flight from the country. I believe that we have an obligation to free decent and ethical young men from this terrible choice.

As a part of the new policy, I ask that you instruct appropriate government bodies to give young men who have already suffered because of our previous policy an opportunity to demonstrate that they are sincere objectors to the Vietnam War. Men who have been convicted for avoiding the draft or who have fled the country to avoid service should be given a chance to show that they harbor a sincere conscientious objection to service.

This is only fair. Although most men who have been convicted or have fled may find it difficult to demonstrate their motivation, they should have the chance. There will be no automatic amnesty, but there will, I hope, be justice.

Sincerely,

EDWARD I. KOCH,
Member of Congress.

LITHUANIAN INDEPENDENCE DAY

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I am pleased to join my colleagues in the Congress in commemorating a special day in the annals of man's quest for freedom—February 16, 1969—the 51st anniversary of the Declaration of Lithuanian Independence.

In 1918, at the close of World War I, the Lithuanians established their own government and proclaimed their independence. For 20 years thereafter, Lithuania enjoyed peace and freedom from oppression. During this period the Lithuanian economy stabilized, and there was a great renaissance of national literature and culture.

But in 1939, the Soviet Union again began an unwarranted assault on this tiny country and concentrated its armed forces on the Lithuanian frontier. This massive threat was followed on June 15, 1940, by actual occupation of Lithuania by the Soviet Army. The valiant Lithuanian Government had no alternative but to concede to Soviet demands.

Immediately the Communists began arresting and executing the Lithuanian patriots. Non-Communist political parties were liquidated, and leaders in these parties were imprisoned. The people were forced to vote in national elections in which only the Communist Party was represented. The Lithuanians, despite these hopeless odds, resisted heroically—but to no avail. The Soviets finally succeeded in forcibly annexing Lithuania and subjugating these courageous people.

Despite condemnation by the free world of this unlawful aggression against the sovereign rights of a free people, the Soviet Union still occupies Lithuania and maintains Communist troops within her borders. The national culture is gradually being destroyed, and the Lithuanian people are forced to suffer under the yoke of Soviet oppression.

In the face of this oppression, the Lithuanians bravely continue the struggle for restoration of their fundamental human rights. The United States has consistently refused to recognize this forcible incorporation of Lithuania into the Soviet Union, and over the years has manifested warm sympathy to the Lithuanian cause of once again achieving freedom and self-determination.

In order to help achieve this worthy objective, I introduced on January 14, 1969, House Concurrent Resolution 81 which expresses the sense of the Congress in opposition to Soviet Russia's incorporation of Latvia, Lithuania, and Estonia.

My resolution urges continued non-recognition of the unlawful absorption of the Baltic States by Soviet Russia and calls upon the United Nations to resolve the issue of restoring the rights of self-government to Lithuania and the other Baltic States.

In behalf of the many thousands of Lithuanian-Americans residing within my own Seventh Illinois Congressional District, whom I am privileged to serve, and indeed, in behalf of oppressed peoples all over the world, I urge the early enactment of this legislation.

On this occasion, I want to assure the courageous Lithuanians that our Nation continues to support their just aspirations for freedom and independence, and I want to express the fervent hope that the goal of Lithuanian self-determination shall soon be realized.

SPEECH BY VICE PRESIDENT AGNEW AT BOWLING GREEN STATE UNIVERSITY

(Mr. LATTI asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. LATTI. Mr. Speaker, on Saturday last Vice President Agnew delivered a timely and thought-provoking speech in my district. The Vice President chose the campus of Bowling Green State University to discuss the restlessness and disorders which are plaguing many of our college and university campuses today. He spoke as a representative of a concerned administration and an administration which wants to do something to restore order on all of our college and university campuses and to assure the young people desirous of obtaining a college education that they shall continue to have that right.

Mr. Speaker, I commend the Vice President for making this speech, and I include it in the RECORD at this point:

SPEECH BY THE VICE PRESIDENT, BOWLING GREEN UNIVERSITY, BOWLING GREEN, OHIO, FEBRUARY 15, 1969

Coming to Ohio has become a lot like coming home. This is my second "buckeye" run this week. I've spent so much time here since the start of the campaign that Governor

Rhodes ought to make me an honorary citizen.

Ohio is never in any political party's pocket. But it's full of sensible, practical, hardworking people—young and old—who want solutions to their problems, not just fancy explanations of them. And that's why Ohio was a good state for the Republicans this year. Ohio was crucial to our national ticket, and Ohio came through. This cradle of Republicanism has given birth to many American Presidents and victory to others. So as we pay honor to our first Republican President, may I pause to honor Ohio for our present Republican President. And to personally thank you for making my name a household word.

I might also say I feel at home not only because I'm in Ohio but because I'm on a University Campus. Most people don't know that before and along with my political career, I taught for seven years at the University of Baltimore Law School.

The most bitter criticism hurled at me during my campaign for Governor of Maryland was that I sounded too much like a college professor. I always replied that I hoped this would be the worst ever said of me. Those of you who followed the recent Presidential campaign know that that hope fell somewhat short of realization.

Lincoln, whom we honor today, was in his own way very much an observer and teacher of the young.

Once a boy in union blue came to the President asking for a promotion to Captain. He was only sixteen, a fine soldier but too young for command. President Lincoln understood his impatience and his disappointment and comforted him with the words: "My son, continue to do your duty as you find it to do, and with the zeal you have hitherto shown, you will not have to ask for promotion. It will seek you."

President Nixon, too, understands the impatience of the young and finds in it the most promising sign of a promising generation. In their impatience, in their desire to participate, in their insistence on leading lives that are rewarding in quality as well as rich in quantity, they show themselves to be the finest crop of young people in our nation's history.

As President Nixon said in his Inaugural: "We can see the hope of tomorrow in the youth of today. . . . They are better educated, more committed, more passionately driven by conscience than any generation that has gone before."

The President's enthusiasm for America's youth is well known. And there is gratifying evidence that the feeling is reciprocal. Immediately after the President's Inaugural message, Peace Corps recruitment showed a sudden surge. It is obvious that our youth understand as our President understands, that "until he has been part of a cause larger than himself, no man is truly whole."

Today's young people are setting a pace and creating a pattern that is encouraging. In the past we used to say "Youth shall be served." Young people today say "Youth Shall serve."

Of course we are all familiar with the minority of youth which unfortunately has come to dominate the majority of headlines. We cannot deny that an element of angry, alienated young people exists.

But the closed-minded shouters, who try to shut down college campuses as a way to claim attention they cannot gain through achievement, represent but a small percentage of your young. This does not mean that we should excuse or condone this brutalization of the right to dissent. Nor does it mean that we should tolerate the disruption of the academic community and the intimidation of those who seek only a quality education there. But it does mean we should recognize and reckon with this group in the proper perspective. We must avoid broad retaliatory measures that punish the innocent.

And although only a small number of America's more than seven million college students subscribe to the tactics of provocation, this does not indicate their endorsement of the status quo. Too many of our finest young people feel overpowered, overpatronized, and overprotected. I believe that most of our brightest young minds want big changes. But I believe also that they are willing to work for them *within* the system.

And the system must be ready to help them. We must listen to those who are prepared to speak with courtesy and good purpose. A "closed door" policy or mere lip service will only compound the problem.

At the same time, our young people must take note of President Nixon's words: "We cannot learn from one another—until our words can be heard as well as our voices."

I am sure you agree that our system is strong enough to accommodate dissent and to profit from it. Lawful dissent is intended to trigger the conscience, not to deprive others of their rights. Our system is flexible enough to take criticism and take it to heart.

But democracy cannot tolerate totalitarianism from any quarter. That includes the paralytic mouthings of a few highly-publicized malcontents. They constitute a violent movement that might be called, "know-it-all-ism." That movement combines the hatred and bias of the "know-nothings" of the past century with the "know-it-all" arrogance of modern day extremism.

We triumphed over the know-nothing-ism of north and south a century ago; we shall educate the know-it-alls today—in spite of themselves.

It is up to the public sector to define and defend that line that separates dissent from disruption. But it is up to the private sector—and especially to the family—to pave the way for a peaceful society. A lack of discipline in the home ultimately results in an undisciplined citizenry. The public sector cannot act in "Locus Parentis."

Our colleges and universities have an obligation here, too. College administrations must do more than offer courses on Democracy; they must assure their students the "due process" which is an integral part of our Democratic system. This means where abuses exist, ready avenues of redress must be available.

Student participation, where it can contribute to the quality of education, should be encouraged. But this must be developed in a manner that is constructive rather than disruptive.

We can take a lesson from history observed. Our university tradition began with two medieval universities. In Paris, faculty set up shop and students were the consumers. In Bologna, students set up shop and hired their teachers. The Bologna student-centered system lacked stability and, interestingly enough, educational "relevance." Ultimately, the University at Bologna survived by switching to the Paris system, putting the scholar in command.

A society as sophisticated as ours can establish practical, workable degrees of student participation. We can navigate some middle course without students locking teachers up or administrators locking students out.

Another middle-ground which must be found is the place of the college in the community. Higher education can only benefit from a close, introspective look at such policies as "publish or perish"—an insistence on relevancy in curriculum; a voice for faculty below the professorial level; the proper balance in decisions between administrators and academicians. The middle-ground appears to be somewhere between ivory tower retreat and settlement house immersion. There should be strong ties between the college and the community.

Certainly if our institutions of higher education have an obligation to re-think their relationships with students, all levels of gov-

ernment have an equal responsibility and opportunity here too.

Our young people are not only our greatest product, but our most promising resource. I don't mean this poetically for some point in the future, but for today.

If our local governments could but learn to harness the volunteer power of high school and college students they would have an enthusiastic work force money couldn't buy.

As Governor of Maryland, I sought to energize and mobilize our Student resources. Our nucleus came from student groups seeking a voice in setting state college budgets.

Quite often, young people fail to appreciate the budgetary dilemma of a Governor with infinite good causes and finite resources. Abraham Lincoln brought home this point with humor when he described a struggle between his sons Willie and Tad. What was wrong between them, he said, was "just what's the matter with the whole world. I've got three walnuts and each wants two."

I urged the students to help their state and their campuses by doing their bit for the community. With student volunteers providing manpower on priority inner city projects, we could reallocate funds to higher education programs.

I sought to establish a youth corps with older students helping younger ones as tutors and recreational counselors, as big brothers and sisters. I feel it's not just enough to demand a say—you have to deserve it. Governments should make a way for students to participate and students should participate in a way that earns their say in state government. We want youth advisors and we want them to be more than armchair experts. We're looking for civic activists.

Every level of government would benefit from a student internship program comparable to the federal government's.

Actually, at the state level, I favor an even broader program extending from post-graduate to pre-college youth. State governments are generally small enough to tailor summer work programs to the student's potential and will find it a valid investment. A good part-time internship experience in the present is a means of recruiting good full-time personnel in the future.

At the federal level our work is cut out for us. The first thing we should do is lower the voting age to eighteen. Not only because they're old enough to fight—but because they're smart enough to vote. I think it is illogical that in most states a girl is considered mature enough to enter a lifetime contract of marriage at eighteen, but not mature enough to vote.

Once our young people can sound off at the polls, I believe there will be less need to sound off in the streets. They'll have the chance to be counted where it counts.

Finally, I think we as a moral community must take heed of the disillusionment and disenchantment of our young. The young have a way of looking at reality with an honesty and freshness we cannot fail to appreciate. Hans Christian Anderson understood this when he wrote the wonderful story of the emperor's new clothes. Remember—no man in the kingdom, including the emperor, dared to admit he could not see the handsome cloth suit which the con-man tailors said was invisible to those who were selfish, vain and stupid. Only a little child in delightful candor piped up: "The emperor is naked."

Well, we have a veritable children's crusade telling us America can be an even better country. They are ready to go to work, and we must be ready to accept their contributions and to listen to their responsible criticism.

We must prove our system can change our world; and we must welcome all those who would change our world into our system.

President Nixon has put priority on including every American, young and old, in our system. White House Staffers are already

working on the ways and means to mobilize those who would serve as well as seek a better America. But let me make it clear that while the volunteer movement may be sparked by the federal government, it must be managed by the communities and manned by the private citizens.

We may propose ways to serve but only the people can dispose. For our young it means doing their own thing in their own way, on their own time. It means doing as well as demanding. It means contribution as well as confrontation.

Freedom depends on order—on laws, not violence. And to any who would destroy our freedom, I will take a lesson from the minister friend of Abe Lincoln, who sermonized: "I'm prepared to defend this union till hell freezes over, and then I'll fight on ice."

We cannot afford self-delusion or delay. For as President Nixon says, "The American dream does not come to those who fall asleep."

MIZE INTRODUCES RESOLUTION OPPOSING EEC ACTION ON SOY-BEAN TAX

(Mr. MIZE asked and was given permission to extend his remarks at this point in the Record.)

Mr. MIZE. Mr. Speaker, on February 6, I announced my profound concern over the "internal taxes" which the member nations of the European Economic Community have proposed to impose on imported oilseed products.

These proposed taxes do not technically violate the letter of the agreement reached between the United States and the EEC, but they do violate the spirit of that agreement. If imposed, these taxes could destroy a third of the \$1.4 billion agricultural export market which the United States negotiated, at great sacrifice, with the EEC. Such action would be unconscionable, and could well destroy the U.S. chance for a favorable balance of trade in 1969 and years ahead.

Mr. Speaker, Kansas farmers have produced soybeans in increasing amounts in recent years. In fiscal 1968, Kansas farmers exported over \$14 million worth of soybean oils and meals to the EEC. This market, and the market upon which farmers depend in over 30 States, could be destroyed by the precipitous action under serious consideration in Europe.

I firmly believe that Congress must speak out on this issue as a body. Therefore, I am today introducing a House concurrent resolution which, if passed by this body, will put the House on record as opposing the internal taxes on oilseed products. The concurrent resolution which I propose clearly states that the United States cannot afford to ignore foreign action which would destroy substantial trade, carefully constructed over the years. Further, American farmers who have depended upon U.S. trade negotiators to assure them a market in Europe must also depend upon our European trading partners to conform to the spirit of resulting agreements.

I urge the Members of the Congress to support this resolution. I am encouraged that similar legislation has been introduced in the House and is under consideration by certain Members of the Senate.

A decision by the Council of Ministers of the EEC can be expected within 30 to 60 days, I am informed. It is imperative

that the Congress speak with one voice in opposition to the proposed action, before it occurs.

TWO CHILDREN, TWO MIRACLES

(Mr. TAFT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. TAFT. Mr. Speaker, the miracle of life continues in Cincinnati, Ohio, today.

Christine Corhn, the 6-year-old girl who received the transplanted heart of a 7-year-old auto accident victim, continues to improve at the Children's Hospital.

She has done well since she underwent the heart transplant operation, February 8.

Christine's was only the fourth transplant attempted on a child; and doctors, who performed what was the first heart transplant in Cincinnati, are encouraged about Christine's chances.

The miracle of life, however, has another side to it. The 7-year-old boy, William Michael Becker, whose heart now keeps Christine alive, was fatally injured in an auto accident February 5. It was his selfless parents who turned tragedy into hope when they suggested that the young boy's heart might be used for a transplant.

Without it, doctors believe young Christine could not have lived much longer. She was suffering from a serious heart defect since birth.

Mr. Speaker, I know that all of my colleagues join me in wishing this courageous young girl and her family the very best.

We offer our best wishes to the talented team of doctors and professionals who performed the operation and have cared for Christine.

I believe the feelings of most Cincinnatians are well captured in the following Cincinnati Post & Times-Star and Cincinnati Enquirer editorials:

[From the Cincinnati Enquirer, Feb. 10, 1969]

TWO CHILDREN, TWO MIRACLES

Two modern-day miracles touched the collective conscience and heart of Greater Cincinnati this past weekend.

One, the successful transplantation by a surgical-medical team at Children's Hospital of the heart of William Michael Becker, seven-year-old Loveland lad who suffered fatal brain injuries in an auto accident earlier last week, into the body of six-year-old Christine Corhn, suffering from a congenital and incurable heart defect, is a surgical miracle that, to the amazement of the lay mind, has become an accepted technique in medicine's rapid advancement. But when the miracle occurs almost at one's doorstep its meaning becomes all the clearer.

The second miracle is the unfaltering concern and empathy for others so nobly demonstrated by Mr. and Mrs. William Becker, the parents of William Michael, in their time of deepest grief. Upon being informed that their dying son's heart could offer hope for a nearly normal life to a little girl who herself was faced with the prospects of an early death without a new, strong heart, the Beckers hesitated not a whit.

By giving new hope to Christine Corhn, they have memorialized their son in a fashion whose meaning is beyond the power of the written word to convey. Though the discipline

of surgery may cause doctors to view the human heart as just another organ or muscle, we feel constrained to think that Mr. and Mrs. Becker have caused their young son to live for them through their unselfishness.

The Beckers' total commitment to their humanitarianism was further demonstrated by their allowing William Michael's skin, kidney's and eye parts to be taken in science's—and humanity's—cause.

The hopes of everyone for her continued improvement and eventual recovery go out to Christine Corhn.

Along with heartfelt sympathies, Mr. and Mrs. Becker are extended everyone's emotional sharing in a miracle of which only they can be fully aware.

[From the Cincinnati Post & Times-Star, Feb. 10, 1969]

TRIUMPH OF THE HUMAN SPIRIT

A great human drama is unfolding in Children's Hospital and the community is gripped by it.

The hopes and the prayers of all of us are centered on pretty little Christine Corhn and the doctors and nurses who watch over her in her battle for life.

And the hearts of all of us go out to Mr. and Mrs. William Becker who have turned a personal tragedy into a triumph of love for humanity. They donated the heart of their little boy, killed by a traffic accident, to Christine that she might have a chance for a normal life.

The whole community honors the Beckers. We hope their grief is lessened by the knowledge that they tried to help Christine Corhn. We pray that help will be successful.

ONE-BANK HOLDING COMPANIES POTENTIAL THREAT TO DEPOSITORS

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, the House Banking and Currency Committee has published a staff report on the one-bank holding companies in our country, which presents a potentially dangerous situation to banks and their depositors.

In 1933, the Congress adopted a very sound principle, which I believe should be upheld today. That is, it is against the public interest for banks and non-banking businesses to be controlled by the same ownership.

In 1956, the Congress enacted the Bank Holding Company Act to prevent undue concentration of control of banking by bank holding companies. Included in this legislation were several exemptions, and on signing the law, President Eisenhower said:

The legislation falls short of achieving these objectives . . . The exemptions and other special provisions will require the further attention of the Congress.

The most glaring loophole in the 1956 law was the one-bank holding company exemption.

The significance of this loophole—

The new House Banking Committee report states—

has been dramatically illustrated in the United States.

The report points out this includes nine of the 12 largest commercial banks in the country, and since 1956 the number of known one-bank holding com-

panies has grown from 117 to 783. In bank deposits, the increase has been from \$11.6 billion to \$108.2 billion, a growth of over 800 percent.

In light of the committee's excellent staff report, it is obvious that something must be done to guard against continued monopoly, concentration of business power and conglomerates of big business and big banks.

Mr. Speaker, my bill, H.R. 946, which I have introduced over the last two Congresses, would remove the exemptions to the Bank Holding Company Act, including the one-bank and the labor and agricultural organization provisions.

In 1965, when this legislation was before the House of Representatives, my amendment to a bill which would have removed the long-term trust exemption from the 1956 act, was passed on a record vote of 199 to 179. This amendment stripped the Bank Holding Company Act of all its loopholes, but only four exemptions were removed in the Senate.

I believe the Congress should and will act this year to remove all exemptions from the 1956 act. I have written to the distinguished chairman of the House Banking Committee of my interest in assisting him with this legislation.

Chairman WRIGHT PATMAN has said:

This issue concerns the question of the proper relationship between the business of banking and all other businesses. It is not strictly a banking issue at all, or even an issue only involving the relationships among different segments of the financial community. It is, in essence, a question whose answer could shape the ultimate structure of the entire American economy for many years to come.

OUTSTANDING RECORD OF NATIONAL PROGRESS UNDER PRESIDENT LYNDON B. JOHNSON

(Mr. ALBERT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include an editorial.)

Mr. ALBERT. Mr. Speaker, well-deserved recognition and praise for the outstanding record of national progress during Lyndon B. Johnson's 5 years as President of the United States continues throughout the country. Perhaps, a recent AFL-CIO News editorial best expresses the feeling of Americans in all walks of life with a simple, but deeply felt "Thank you, Mr. President." Under unanimous consent, I place the editorial in the CONGRESSIONAL RECORD, as follows:

THANK YOU, MR. PRESIDENT

In the final days of the Johnson Administration the news media—especially the press—are apparently trying to redress the torrent of criticism, and in some cases abuse, that they have aimed at Lyndon Baines Johnson.

In summing up the five years of the Johnson presidency the editorialists, the interpreters, the columnists have discovered—or perhaps rediscovered—the tremendous Johnson record on civil rights, education, fighting poverty, conservation, consumer protection, health, aid to the cities, manpower and the real increase in income and purchasing power that stemmed from government economic policies.

The AFL-CIO was proud to have had a hand in helping build that record. It repeatedly called attention to the breakthroughs

and benchmarks set by the Administration on behalf of all Americans. But the critics waved that aside along with the concrete accomplishments, and concentrated on a negative, carping theme geared to a dislike for the President's style, all the while ignoring or downplaying the substance.

An editorial in *Memo from COPE* notes that "the quieter facts of the Johnson presidency are without equal in our history." It adds that "no single administration will or can clear up all the problems of a society as vast and complex as our own. But Pres. Johnson was willing to challenge our problems on more fronts than anyone who has served in the office, and his success in many fields has been remarkable."

The Johnson record is imprinted in bold letters in the nation's lawbooks. Over the next few years that record will have an increasingly important impact on the development and the quality of American life.

The belated recognition by the news media of the substance of the five years of the Johnson presidency is welcome now because it will provide a yardstick to measure the new Administration.

For his dedicated efforts on behalf of all Americans we join the nation in a heartfelt "Thank you, Mr. President."

"PUEBLO" BLAME MUST BE SHARED

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 30 minutes.

Mr. FINDLEY. Mr. Speaker, there can be no denying that Commander Bucher permitted the U.S.S. *Pueblo* to be taken. Likewise, he failed to scuttle the vessel. But, in all fairness, a closer examination of the situation shows that he had neither the means to defend his ship or to scuttle it. If indeed he must assume blame, he is by no means alone in this regard. The military traditions he violated were small by comparison with those violated by much higher authority.

In fact, in some respects, Commander Bucher can be even viewed as an innocent victim. He is the victim of fate; he found himself in a bad place at a bad time. Furthermore, he appears to be the victim of an attempt by his superiors to place the blame for this tragic and humiliating affair on his shoulders alone. Most important, the commander joins other courageous men as the latest victim of the failure of recent American military policy. Foremost among our failures are those which involve the new doctrines of flexible response and gradualism.

As formulated in 1961, flexible response was viewed in its broadest application to be the maintenance of military force sufficient to respond to enemy aggression at any level of conflict, up to and including nuclear war. Flexible response was necessary, proponents argued, because the doctrine of "massive retaliation" left the United States prepared to either surrender or instigate a nuclear holocaust. It was argued that since the threat of nuclear weapons was not credible to Communist nations engaged in small and ambiguous steps, a substitute would have to be found.

That an unarmed, unescorted, unprotected vessel of the U.S. Navy—inappropriately called an intelligence ship—should be sent on such a sensitive mission as "eavesdropping" on a hostile Communist power shows the complete

bankruptcy of the military doctrine of flexible response.

The question of whether flexible response is an adequate military doctrine is one of judgment, but the fact is, as the *Pueblo* incident, among others, clearly reveals, the weapons, men and material necessary to implement flexible response were not available.

In this latest of incidents, a vessel of the U.S. Navy was sent on a sensitive mission close to the shoreline of a hostile power. Ordinary prudence would have required under the doctrine of flexible response that sufficient force or manpower be available to come to the aid of the ship if necessary. Yet, what were the facts?

There were only four jet fighters available for duty in Korea; all of them were armed with nuclear weapons. In order for the jets to be effective in dog fights, the nuclear weapons had to be removed. Time did not permit such removal.

The U.S.S. *Enterprise* was 600 miles away at the time of the seizure; the nearest American destroyers were a full day's sail away.

The Pacific Command, in other words, was unprepared to defend the *Pueblo*. Commander Bucher had only two possible responses, and neither was very flexible: he could surrender his ship, or sink it with heavy risk of American life. It was like a one-sided flip of a coin, and Bucher was the loser either way.

Nor was the *Pueblo* the only incident of the past 18 months which reveals the hollowness of our flexible response capabilities.

In January 1968, the Vietcong launched the surprise Tet offensive and succeeded even in violating the security of the U.S. Embassy in Saigon.

In June 1967, the U.S.S. *Liberty* was attacked and sunk by units of the Israel Air Force.

In August 1968, the military warning system of NATO did not perceive the Soviet and Warsaw Pact invasion of Czechoslovakia.

The Senate Preparedness Investigating Committee has reported that the U.S. Armed Forces in Europe are not sufficient to repulse a conventional Soviet attack.

The failure of "flexible response" in Vietnam was hardly reassuring and its effect as a deterrent to further trouble in Southeast Asia is therefore highly questionable.

Another of the questionable doctrines pushed upon us during this decade that has seen America appear to be a "paper tiger" is that of gradualism. Sometimes called measured response, it meant a slow, step-by-step increase of military force—never enough to defeat the enemy, but sufficient to keep the conflict raging. Others before Commander Bucher paid heavily for the failure of this doctrine.

Let us not forget that seizure of the *Pueblo* was accomplished by a government with which our country was recently engaged in a costly but undeclared war, and it occurred in the environs of another costly, but undeclared war, this time in Vietnam.

Through the doctrine of gradualism in both the Korean and Vietnamese wars,

the greatest, most hallowed traditions of the United States were violated in a fundamental way. To illustrate:

In neither war was defeat of enemy forces established as our objective.

In neither were the resources of the United States ever mobilized behind our men in battle.

In neither were field commanders given traditional freedom to direct operations.

In neither was a declaration of war enacted by Congress or even asked for by the President.

In both wars, military commanders were denied permission to broaden attack on the enemy in order to shut off its sources of supply and replacement. Enemy sanctuaries were permitted.

Our military operations in Vietnam have been repeatedly described as a limited war with limited objectives. President Johnson refused to grant permission to field commanders to close Haiphong Harbor, invade North Vietnam or engage in "hot pursuit" into Cambodia.

Although our Government in 1965 officially determined that South Vietnam was under attack from the north, only an air and sea response was ever permitted—and only then under sharp limitations which severely curbed its effectiveness.

Later, even this response was stopped completely, although no determination was made that attacks from the north had either ceased or lessened.

Never was any serious effort made to employ sanctions against nations supplying the enemy, much less to quarantine North Vietnam.

Indeed, the Johnson administration resisted congressional attempts to impose modest sanctions. An example was administrative efforts, partly successful, to override the clear expression of Congress which I authored in 1966 which sought to block benefits under Public Law 480 from going to any nation making shipments of any kind to Hanoi.

Thus, if Commander Bucher must bow in shame, other more prominent heads should be bowed too. Chief among these are the political and military leaders who were the architects, proponents, and executors of flexible response and gradualism.

Those who allowed our defenses to deteriorate to a point where not only was our response not flexible, but nonexistent;

Those who cast aside and violated the great military traditions of the United States;

Those who sent a half-million U.S. troops into combat without declaration of war or other proper legislative sanction;

Those who shackled field commanders and refused to impose economic quarantine on the enemy;

Those who announced to the world, instead of leaving in doubt, that our super-weapons would never be used; and

Those who proceeded with business-as-usual attitude at home as well as in international policy. Business as usual applied even to the Soviet Union, heartland of Hanoi support.

Among these must be former President Johnson, who cannot escape primary re-

sponsibility for establishing the empty doctrine of flexible response and the fallacious one of gradualism. Also, to blame are the Joint Chiefs of Staff, chaired by Gen. Earle G. Wheeler, who acquiesced in the doctrine. Each could have resigned over the course of our Nation's military policy and thus likely forced a reassessment. Or, each could have publicly protested. None did. Each accepted, and went along, executing the policies with all their grim consequences.

How ironic it was that just a few days before Commander Bucher went on trial for violating military tradition, General Wheeler, under whom flexible response and gradualism flourished, received from the President the Distinguished Service Medal.

Is it just for these military leaders to continue in command with scarcely a word of censure while Commander Bucher is in the dock?

And my colleagues in the Congress who, like myself, served while the doctrines of flexible response and gradualism were being bandied about and carried out, can we escape judgment?

Despite the clarity of our constitutional responsibility to provide for the proper maintenance of the Armed Forces, we failed to establish that our ships at sea were not safe from capture by the smallest of nations. We sat back and permitted the enlargement of combat forces in Vietnam without clear legislative sanctions. We shunned our fundamental responsibility. We failed to face squarely the question of war declaration. We thus denied to our military forces, and to the Nation as a whole, the unifying force the war-making decision would bring. We failed in our duty to delve into the hollowness of flexible response and gradualism doctrines.

So move over, Commander Bucher. You are not really the only one who should be in the dock. There are lots more of us who must share the blame and the shame. You just happen to be a convenient whipping boy.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. I have spoken out on many occasions, as the gentleman in the well is doing today, regarding the handling of the *Pueblo* matter. I would like to add a side light to what the gentleman has said.

I do not know if the American people are aware that Commander Bucher was an orphan. He was brought to Father Flanagan's boys' home in my district known as Boys' Town, Nebr., where Commander Bucher lived for many years. He was graduated from Boystown High School at Boys' Town, Nebr. After that he enlisted in the Navy and served his tour of duty and then came back to Omaha and married an Omaha girl and worked his way through the University of Nebraska, after which he was graduated, and the Navy became his career.

The people of my congressional district, knowing Commander Bucher was taken in by Father Flanagan's boys' home and was a star athlete and an outstanding citizen of Boys' Town, are over-

whelmingly outraged at the seemingly inhumane treatment that is being given Commander Bucher.

I am sure that affects not only my own district. I know for a fact that this is the feeling of the people of the entire State of Nebraska and the feeling is intense not only in the State of Nebraska, but in the entire Middle West. I know now also that the feeling is intense throughout the United States.

So, aside from the military aspects of which the gentleman speaks, I did want to bring out this personal sidelight in this discussion, so the people will know that Commander Bucher was an outstanding individual. As I said, he was an orphan and took his schooling at Boys' Town under the leadership and direction of Father Flanagan and Monsignor Wegner, the present director. He was one of the outstanding students and athletes in that great "City of Little Men." Certainly people from our area and hopefully from all over the United States will bear that in mind as we discuss this sorry affair in the history of our country.

Mr. FINDLEY. Mr. Speaker, I am glad to have the gentleman's contribution. There certainly is the human side to this. In speaking today, I do not want to leave the impression that I minimize the gravity of whatever shortcomings Commander Bucher had, and it appears quite plain that he failed in measuring up to the great traditions of the U.S. Navy. I feel very bad about that. I regret the boyhood experiences he had. However, I do not think we should overlook the gravity of this episode.

My main purpose is to point out that even though Commander Bucher violated military traditions, they are small by comparison with the military traditions that our very highest political and military leadership have violated in recent years.

Mr. CUNNINGHAM. Commander Bucher had no shortcomings. He is a great man and a credit to our country.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Speaker, certainly it has been a sorry incident in the history of our country. It seems to me our Navy at least should have had a destroyer on the horizon to protect this spy ship—if that is what it was, and we recognize now that is what it must have been. If not a destroyer it should have had air cover.

Of course, there are many reasons advanced why these things were not provided. For instance, there is no doubt that we have overextended ourselves in South Vietnam, that most of our military might and muscle is in that area. Our flexible response was not available in the *Pueblo* incident.

Neither is it available now in Europe. I feel that even the recent maneuver which we carried out, in which we transported 15,000 troops over to Germany, was carried out slowly and not effectively done, showing again that we are concentrating on a distant area in Asia which really does not mean that much to our future.

Again it casts a reflection upon the

character of the American people that the crew of the *Pueblo* was forced to sign a document admitting what was said was not the truth. And then a major general of the U.S. Army also signed a document saying that we were in enemy waters when actually we maintained that we were not. This involves problems of great significance. It involves the character of the people of the United States.

Certainly I believe we should return to the thinking of great men who have lived in history and have provided great leadership—for instance, Lincoln, who said:

Let us have faith that right makes might; and in that faith let us to the end, dare to do our duty as we understand it.

Mr. FINDLEY. I thank the gentleman for his comments.

As I understand the facts, the commander and the crew of the *Pueblo* had no information that they were sent on any kind of suicide mission. They had every reason to expect if they got into trouble they would have support.

I am sure the gentleman, like myself, had some part in World War II. There was never any moment during my service with the U.S. Navy when I doubted that the full resources of the United States, whatever they might be, were behind me and would seek to advance my safety and the success of my mission.

Yet, out of what has happened with the U.S.S. *Pueblo*, arises the question as to just how far we have departed from these traditions of yesterday.

Mr. CARTER. How weak we have become in our action.

It reminds me again of the President who said: "Speak softly and carry a big stick."

How far have we gone from that tradition?

Mr. FINDLEY. I thank the gentleman.

TRANSFER OF SPECIAL ORDER

Mr. CAFFERY. Mr. Speaker, I ask unanimous consent that the special order granted to the gentleman from Pennsylvania (Mr. Flood) for tomorrow, for 1 hour, be transferred to February 19.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

BANK HOLDING COMPANY AMENDMENTS—CRUCIAL TO THE CONTROL OF FINANCIAL CONGLOMERATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, today I am introducing a bill which seeks to stop the dangerous trend toward mixing the business of banking with all other businesses.

In the wake of the great stock market crash of 1929 and the subsequent great depression, Congress, in its wisdom, decided that commercial banking should be divorced from all other businesses. This principle was established in what is known as the Glass-Steagall Act of

1933, an amendment to the Federal Reserve Act. It was further strengthened by the passage of the Bank Holding Company Act by the Congress in 1956.

However, many loopholes remain in the Bank Holding Company Act and, because of this and other trends in economic structure, such as the rise of financial and other conglomerates and the merger movement, present law is inadequate to control the situation.

Therefore, I am introducing legislation today which I feel will meet this problem in a straightforward and adequate way.

At this point in the RECORD I insert a press release issued this morning on my intention to introduce the bill, along with the bill itself and a section-by-section analysis of this bill:

WASHINGTON, D.C., February 17.—Chairman Wright Patman (D. Tex.) of the House Banking and Currency Committee, will introduce a comprehensive bill today (Feb. 17) to close the loopholes in the Bank Holding Company Act and to end the movement of banks into non-banking enterprises.

Mr. Patman said his bill was the product of studies extending over several months and had been drafted after consultation with a number of experts in the field. He said he anticipated early hearings on the legislation.

The Banking and Currency Committee Chairman said his legislation would move all bank holding companies under "a single umbrella of regulation and under a single standard of law." He said his bill would provide a "clearcut separation of banking from non-banking businesses."

"As the recent study by the House Banking and Currency Committee plainly shows, the entire structure of the American economy is being changed through conglomerates centered around banking institutions," Mr. Patman said. "This is clearly a threat to everyone—both inside and outside the financial community—and it is essential that the Congress act quickly to provide meaningful remedies."

Mr. Patman said it would be a "travesty if the Congress did not deal fully with the problem and failed to give the Federal Reserve sufficient authority and the legal teeth necessary to deal with these new and giant financial conglomerates." "The problems involved with bank holding companies are extremely serious and they require real action and not just the appearance of action."

"The potential for economic abuses through the holding company loopholes is far-reaching," he said. He noted, in particular, that the one-bank holding company loophole could lead to these problems: (1) The possibility of unsound financial decisions by the bank in order to feed unwarranted amounts of credit to subsidiaries of the holding company; (2) The possibility for loan discrimination by a bank in favor of enterprises owned by the holding company and against companies which might compete with the subsidiaries of the holding company; (3) The possibility that a bank will force other borrowers, particularly small businesses, to purchase equipment and services from the subsidiaries of the holding company, thus furthering tightening control and forcing a greater concentration of economic power.

In addition to closing specific loopholes in the Holding Company Act, Mr. Patman said his bill would also provide the public important new protections against anti-competitive activities of financial institutions.

The legislation, for example, would prohibit director and officer interlocks among banks and other financial institutions. Mr. Patman noted that recent studies of the Banking and Currency Committee had revealed widespread interlocks among major banks and other financial institutions.

Mr. Patman's bill will also deal directly with the practice of banks requiring so-called "tie-in" arrangements. Under this practice, banks require customers to purchase other services of the bank or other holding company subsidiaries as a condition for a loan or other services.

The Patman bill would flatly prohibit this and other similar tie-in arrangements and would give the Justice Department and the banking agencies enforcement authority. It would also allow a private citizen to sue for treble damages in case of violation of the section.

Here is what the Patman bill would do:

1. Amend the Bank Holding Company Act of 1956 to eliminate the so-called "one-bank" loophole. This would bring all holding companies which control one or more banks under the Bank Holding Company Act, thus prohibiting them from engaging in non-banking activities.

2. Retain and tighten the jurisdiction of the Federal Reserve Board over bank holding companies and their subsidiaries.

3. Tighten the definition of "control" in the Bank Holding Company Act—Under present law, a holding company is deemed to control a bank when it holds 25% or more of its stock. Under the Patman Proposal, the Federal Reserve would be allowed to make a finding of "actual control" even though the holding company held less than 25% of the stock.

4. Eliminate the partnership exemption—Under this exemption, partnerships, made up of the same individuals, may control as many banks as they desire without registering under the Bank Holding Company Act. This loophole would be closed under the Patman Bill.

5. Eliminate the exemption for trust department holdings—Under the Patman bill, the bank stock held in a bank's trust department would be treated the same as any other stock held by the bank. Thus control by one bank of another bank through trust department stockholdings would be subject to regulation under the Bank Holding Company Act.

6. Prohibit officer and director interlocks among all insured banks, bank holding companies, savings and loan associations, mutual savings banks, insurance companies, and securities brokers and dealers.

7. Prohibit "tie-in arrangements"—Under the Patman bill, banks would be prohibited from requiring customers to purchase other services of the bank or other holding company subsidiaries as a condition for a loan or for any other service provided by the bank or another subsidiary of the parent holding company.

8. Provide that all insured banks disclose on a quarterly basis to the Securities and Exchange Commission the description and amounts of any securities held by its trust department.

SUMMARY OF THE PATMAN BILL TO CURB THE GROWTH OF FINANCIAL CONGLOMERATES BY AMENDING THE BANK HOLDING COMPANY ACT AND RELATED LAWS

The following is a brief section-by-section analysis of a bill to be introduced by Chairman Patman of the House Banking and Currency Committee to amend the Bank Holding Company Act of 1956 and other related banking laws. This bill would carry out the following reforms:

COVERAGE

(1) Amend the Bank Holding Company Act of 1956 to eliminate the one bank loophole, thereby bringing under regulation of the Act all holding companies which control one or more banks.

PRESENT EXEMPTIONS FROM BANK HOLDING COMPANY ACT REGULATION

(2) Remove from the current Bank Holding Company Act the exemption from regulation if a bank holds shares of a bank in a fiduciary (trust) capacity. This problem was

spotlighted in the July 1968 staff report of a Banking and Currency Subcommittee on *Commercial Banks and Their Trust Activities*.

(3) Remove from the current Bank Holding Company Act the exemption from regulation for banks controlled by partnerships, a loophole used effectively in recent years to avoid regulation under the Act.

DEFINITION OF CONTROL

(4) Tighten the definition of what constitutes control of a bank for purposes of requiring registration under the Bank Holding Company Act. This new definition follows that adopted in the Savings and Loan Holding Company Act, and covers situations where two or more entities acting in concert control more than 25 percent of the stock of a bank. This new definition would also enable the Federal Reserve Board to determine, on the basis of substantial evidence that even though a company controlled less than 25 percent of the stock of one or more banks, the company does in fact exercise a controlling influence over the management and policies of the bank. On the basis of such a finding by the Board, a company would be required to register as a bank holding company.

INCREASE EFFECTIVENESS OF BANK HOLDING COMPANY REGULATION

(5) Amend the Bank Holding Company Act and the Federal Deposit Insurance Act to transfer jurisdiction of regulation of national banks and insured nonmember banks that are subsidiaries of bank holding companies to the Board in three respects. That is, prior approval of the Federal Reserve Board (rather than the Comptroller or the FDIC, as presently required) would have to be obtained before a subsidiary bank of a bank holding company could merge with another bank or reduce its capitalization. Such a change in the merger procedure would prevent the present practice of bank holding companies circumventing adverse rulings by the Federal Reserve Board refusing to approve a new holding company acquisition by merging the desired bank into a national bank subsidiary of the holding company through the approval of the Comptroller of the Currency.

PROTECTION OF PUBLIC AGAINST ANTICOMPETITIVE ACTIVITY AND CONCENTRATION OF ECONOMIC POWER BY BANKS

(6) Amend the Federal Deposit Insurance Act to prohibit officer and director interlocks among all insured banks, bank holding companies, savings and loan associations, mutual savings banks, insurance companies, and securities brokers and dealers. The importance of this prohibition is to reduce economic concentration among financial institutions which compete with each other and to increase competition in this area. A recent Banking and Currency Committee study of 48 commercial banks in 10 major metropolitan areas revealed 572 such interlocks among financial institutions, over 11 per bank.

(7) Amend the Federal Deposit Insurance Act to prohibit a bank, a bank holding company, or any subsidiary of a bank holding company from conditioning an agreement to provide a customer one bank service, for example a loan, on that customer's agreeing to give the bank, or another subsidiary of the parent holding company, business in other areas. This is an important restriction against banks forcing what are known under the antitrust laws as "tie-in arrangements," a form of unfair competition against nonbank competition of banks. If banks expand the kinds of services they now offer, this prohibition against forcing customers to take services performed by entities competing with banks would be very important. This section would give jurisdiction for enforcement of the prohibition against "tie-in arrangements" to the appropriate banking agency, as well as to the Department of Justice on a concurrent

basis. It would also allow for a private person to sue for treble damages in case of violation of this section.

(8) Amend the Federal Deposit Insurance Act to provide that all insured banks disclose on a quarterly basis to the Securities and Exchange Commission a description and amounts of any securities held by them in their trust department. In order to safeguard the confidentiality of individual trust information, the bill does not require any information on individual accounts, but only the aggregate holdings of bank trust assets. Similar disclosures are already required of insurance companies and mutual funds, with which banks compete. This would reveal whether individual banks were gaining controlling influence over other corporations through such investments. A Banking and Currency Subcommittee study last year revealed that many such stock concentrations in bank trust departments do exist.

H.R. 6778

A bill to amend the Bank Holding Company Act of 1956, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

§ 1. Amendments to Bank Holding Company Act of 1956

(a) In this section, section references are to the Bank Holding Company Act of 1956 unless otherwise specified. Section 2(a) is amended to read as follows:

"Sec. 2. (a) (1) Except as provided in paragraph (2) of this subsection, 'bank holding company' means any company that has control over any bank or over any company that is or becomes a bank holding company by virtue of this Act.

"(2) No company is a bank holding company by virtue of

"(A) its ownership or control of shares acquired by it in connection with its underwriting of securities if the shares are held only for such period of time as will permit the sale thereof on a reasonable basis; or

"(B) its control of voting rights of shares acquired in the course of a proxy solicitation if the company was formed for the sole purpose of participating in that solicitation.

"(3) For the purposes of this Act, any successor to a bank holding company shall be deemed to be a bank holding company from the date on which the predecessor company became a bank holding company."

(b) Section 2(b) is amended (A) by striking "(1)" and (B) by striking ", or (2) any partnership".

(c) Section 2(d) is amended to read:

"(d) (1) Any given company is a subsidiary of any person having control over it.

"(2) Any given person has control over a company

"(A) if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, has power to vote 25 per centum or more of any class of voting securities of the company; or

"(B) if the person controls in any manner the election of a majority of the directors of the company; or

"(C) if the Board determines, after notice and opportunity for hearing, that the person directly or indirectly exercises a controlling influence over the management or policies of the company."

(d) Section 2 is amended by adding at the end thereof the following:

"(1) The term 'person' includes natural persons, companies, and all other entities cognizable as legal personalities."

(e) Section 3 (a) (4) is amended by striking ", other than a bank,".

(f) So much of section 4(c) (12 U.S.C. 1843(c)) as precedes paragraph (1) thereof is amended (A) by striking "shall not apply to any bank holding company which is a labor, agricultural, or horticultural organization and which is exempt from tax-

tion under section 501 of the Internal Revenue Code of 1954, and such prohibitions" and (B) by striking "other".

(g) Section 4(c) (8) is amended by changing "after due notice and hearing, and on the basis of the record made at such hearing," to read ", on the record after notice and opportunity for hearing,".

§ 2. Amendments to Federal Deposit Insurance Act

(a) In this section, section references are to the Federal Deposit Insurance Act unless otherwise specified. So much of section 18(c) (1) (12 U.S.C. 1828(c) (1)) as precedes subparagraph (A) thereof is amended to read:

"(c) (1) Except with the prior written approval of the responsible agency, which shall be the Board of Governors of the Federal Reserve System in the case of any insured bank which is a bank holding company or a subsidiary of a bank holding company, and which shall be the Corporation in the case of any other insured bank, an insured bank may not"

(b) Section 18(c) (2) is amended by inserting "shall be the Board of Governors of the Federal Reserve System if the acquiring, assuming, or resulting bank is a bank holding company or a subsidiary of a bank holding company and otherwise" immediately after "the responsible agency, which".

(c) Section 18(i) (1) is amended to read:

"(i) (1) An insured State nonmember bank may not reduce the amount or retire any part of its common or preferred capital stock, or retire any part of its capital notes or debentures, without the prior consent of

"(A) the Board of Governors of the Federal Reserve System if it is a bank holding company or a subsidiary of a bank holding company;

"(B) the Controller of the Currency if it is a District bank not described in subparagraph (A); or

"(C) the Corporation if it is not a bank described in subparagraph (A) or (B)."

(d) Section 18(i) (2) is amended (1) by changing "No" to read "An", (2) by changing "shall" to read "may not", and (3) by inserting "without prior written consent of the Board of Governors of the Federal Reserve System if it is a bank holding company or a subsidiary of a bank holding company, and otherwise" immediately after "approving such conversion,".

(e) Section 3 (12 U.S.C. 1813) is amended by adding the following new subsection at the end:

"(r) The term 'bank holding company', and the term 'subsidiary' with reference to a subsidiary of a bank holding company, have the same meanings as in the Bank Holding Company Act of 1956."

(f) Sections 21 and 22 (12 U.S.C. 1830, 1831) are redesignated as sections 24 and 25, and the following new sections are inserted immediately after section 20:

"Sec. 21. (a) Any insured bank which holds any securities in a fiduciary capacity at the end of any calendar quarter shall, not later than thirty days thereafter, file a statement with the Securities and Exchange Commission setting forth the descriptions and amounts of the securities so held.

"(b) Statements filed pursuant to this section need not disclose the number of beneficiaries for which the bank is acting, or any information about the fiduciary relationships or the beneficiaries thereof, but shall otherwise be in conformity with such regulations as the Securities and Exchange Commission may prescribe.

"(c) For the purposes of this section, the term 'securities' has the same meaning as in the Securities Act of 1933.

"Sec. 22. (a) (1) The prohibitions of this subsection apply to any transaction

"(A) whose effect may be to substantially lessen competition or tend to create a mo-

nopoly in any type of credit or property transactions or in any type of services, and

"(B) which is engaged in by an insured bank, a bank holding company, or any subsidiary of a bank holding company, all of which are referred to hereinafter in this subsection as institutions.

"(2) An institution to whose transactions the prohibitions of this subsection apply may not in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition, agreement, or understanding

"(A) that the customer shall obtain some other credit, property, or service from the institution itself or, if the institution is a bank holding company or subsidiary of a bank holding company, from either that company or any subsidiary of that company; or

"(B) that the customer shall not obtain credit, property, or services from a competitor of the institution itself or, if the institution is a bank holding company or a subsidiary of a bank holding company, from a competitor of either that company or any subsidiary of that company.

"(b) The district courts of the United States have jurisdiction to prevent and restrain violations of subsection (a) of this section, and it is the duty of the United States attorney, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. The proceedings may be by way of a petition setting forth the case and praying that the violation be enjoined or otherwise prohibited. When the parties complained of have been duly notified of the petition, the court shall proceed, as soon as may be, to the hearing and determination of the case. While the petition is pending, and before final decree, the court may at any time make such temporary restraining order or prohibition as it deems just in the premises. Whenever it appears to the court that the ends of justice require that other parties be brought before it, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

"(c) In any action, civil or criminal, brought by or on behalf of the United States under subsection (a) of this section, subpoenas for witnesses may run into any district, but in civil actions no writ of subpoena may issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown.

"(d) Any person who is injured in his business or property by reason of anything forbidden in subsection (a) of this section may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

"(e) Any person, firm, corporation, or association may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a violation of subsection (a) of this section, under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue."

(g) The following section is inserted immediately before section 24:

"SEC. 23. (a) Except as provided in subsection (b) of this section, a person who is a director, trustee, officer, or employee of an insured bank may not at the same time be a director, officer, or employee of

"(1) any other insured bank;
"(2) any other company which is a bank holding company or a subsidiary of a bank holding company;

"(3) any insured institution as defined in section 401 of the National Housing Act;

"(4) any insurance company; or
"(5) any broker or dealer registered under the Securities Exchange Act of 1934, or be a proprietor or general partner of any such broker or dealer.

"(b) An individual may hold any number of positions as director, trustee, officer, or employee of any number of companies within any given group of companies if one of the companies in the group is a bank holding company and all the rest of them are subsidiaries of that holding company."

§ 3. Amendment to National Housing Act
Title IV of the National Housing Act is amended by adding at the end thereof the following new section:

"Sec. 411. (a) Except as provided in subsection (b) of this section, a person who is a director, trustee, officer, or employee of an insured institution may not at the same time be a director, officer, or employee of

"(1) any other insured institution;
"(2) any other company which is a savings and loan holding company or a subsidiary of a savings and loan holding company;

"(3) any insured bank as defined in section 3 of the Federal Deposit Insurance Act;

"(4) any insurance company; or
"(5) any broker or dealer registered under the Securities Exchange Act of 1934, or be a principal or a general partner of any such broker or dealer.

"(b) An individual may hold any number of positions as director, trustee, officer, or employee of any number of companies within any given group of companies if one of the companies in the group is a savings and loan holding company as defined in section 408 of this title and all the rest of them are subsidiaries of that holding company."

§ 4. Mutual savings banks

(a) Except as provided in subsection (b) of this section, a person who is a trustee, director, officer, or employee of a mutual savings bank other than an insured bank may not at the same time be a director, trustee, officer, or employee of

(1) any other mutual savings bank which is not an insured bank;

(2) any insured bank as defined in section 3 of the Federal Deposit Insurance Act;

(3) any insured institution as defined in section 401 of the National Housing Act;

(4) any company which is a bank holding company as defined in the Bank Holding Company Act of 1956 or a savings and loan holding company as defined in section 408 of the National Housing Act and all the rest of them are subsidiaries of that holding company.

(5) any insurance company; or

(6) any broker or dealer registered under the Securities Exchange Act of 1934, or be a principal or a general partner of any such broker or dealer.

(b) An individual may hold any number of positions as director, trustee, officer, or employee of any number of companies within any given group of companies if one of the companies is either a bank holding company as defined in the Bank Holding Company Act of 1956 or a savings and loan holding company as defined in section 408 of the National Housing Act and all the rest of them are subsidiaries of that holding company.

§ 5. Effective dates

(a) Except as otherwise specified in this section, the provisions of this Act become effective upon enactment.

(b) Section 4 and the amendments made by sections 2(g) and 3 become effective on

the first day of the third calendar year which begins after the date of enactment.

HEALTH AND SAFETY STANDARDS FOR METAL AND NONMETALLIC MINING OPERATIONS

(Mr. OLSEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OLSEN. Mr. Speaker, many of my colleagues are familiar with the proposed health and safety standards for metal and nonmetallic mining operations. These standards cover open pit and underground mines and sand, gravel, and crushed stone operations. I am proud to say that I have supported the adoption of such regulations, and I would like to take this opportunity to congratulate those who have composed the proposed standards.

Many of my friends here in the House, although not representing mining districts, lent their support to this project and I especially acknowledge their support and assistance.

The standards set forth have recently been recorded in volume 34 of the Federal Register, No. 11, part II, Thursday, January 16, 1969. Interested persons are afforded a period of 60 days after the date of publication in the Federal Register to submit written data, views, or arguments respecting the proposed standards. Communications should be addressed to the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

At this time I enter into the Record a statement of the proposed standards:

[From the Federal Register, Vol. 34, No. 11, pt. II, January 16, 1969]

DEPARTMENT OF THE INTERIOR, BUREAU OF MINES—HEALTH AND SAFETY STANDARDS, METAL AND NONMETALLIC OPEN PIT AND UNDERGROUND MINES AND SAND, GRAVEL AND CRUSHED STONE OPERATIONS—NOTICE OF PROPOSED RULE MAKING

[30 CFR Part 55]

METAL AND NONMETALLIC OPEN PIT MINES

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721-740, Supp. III) to promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in metal and nonmetallic mines, it is proposed to add a new Part 55 to Title 30, Code of Federal Regulations, relating to open pit mines. The standards set forth in Part 55 have been developed in conjunction with the Open Pit Advisory Committee appointed pursuant to section 7 of the Act.

Scope. The standards set forth in Part 55 would be applicable to those metal and nonmetallic mines at which mining operations are conducted by surface-mining methods commonly designated as open pit, open-cast, open-cut, or strip mining. The regulations in Part 55 would not be applicable to the mining of sand and gravel and crushed stone or to the underground mining of metal and nonmetallic minerals; these mines would be covered by standards set forth in new Parts 56 and 57 of Title 30, Code of Federal Regulations.

Specific designation of mandatory standards. Each standard which would be a mandatory standard is so designated by the word

"Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Open Pit Advisory Committee has recommended that a standard be mandatory, the standard will be preceded by the word "Mandatory" and the letters "OPAC" in this manner—"Mandatory-OPAC."

In accordance with the provisions of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) interested persons are hereby afforded a period of 60 days after the date of publication in the Federal Register of proposed Part 55 in which to submit written data, views, or arguments respecting the proposed standards contained in Part 55. Communications should be addressed to the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Subject to the provisions of subsection (e) of section 6 and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)) on or before the last day of the 60-day period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Open Pit Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended as mandatory by the Open Pit Advisory Committee are not subject to hearings. Only those proposed standards which have not been recommended by the Open Pit Advisory Committee as mandatory are subject to hearings.

The new proposed Part 55 is set forth below.

DAVID S. BLACK,

Under Secretary of the Interior.

JANUARY 9, 1969.

Sec.	
55.1	Purpose and scope.
55.2	Definitions.
55.3	Ground control.
55.4	Fire prevention and control.
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55.7	Drilling.
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55.13	Compressed air and boilers.
55.14	Use of equipment.
55.15	Personal protection.
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55.17	Illumination.
55.18	Safety programs.
55.19	Holisting.
55.20	Miscellaneous.
55.21	Savings provision.

§ 55.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for open pit metal and nonmetallic mines which are subject to that Act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the Act (30 U.S.C. 727).

§ 55.2 Definitions.

As used in this part:

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Barricaded" means obstructed to prevent

the passage of persons, vehicles, or flying materials.

"Berm" means a pile or mound of material capable of stopping a vehicle.

"Blasting agent" means any material or mixture of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients is classified as an explosive (provided that the material or mixture cannot be detonated by a No. 8 test blasting cap under the conditions specified for the cap sensitivity test).

"Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

"Blasting caps" means a detonator containing a charge of detonating compound, which is ignited by electric current or the spark of a fuse. Used for detonating explosives.

"Blasting circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter.

"Blasting switch" means a switch used to connect a power source to a blasting circuit.

"Capped fuse" means a length of safety fuse to which a detonator has been attached.

"Combustible" means capable of being ignited and consumed by fire.

"Company official" means a member of the company supervisory or technical staff.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating fuse" means a round flexible cord containing a center core of high explosives.

"Detonator" means a device used for detonating an explosive, including, but not limited to, blasting caps, exploders, percussion caps, primers, electric detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feed line, each cable circuit being connected through individual overcurrent protective devices.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect with the ground to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to, black powder, dynamite, nitroglycerin, nitroglycerin compounds, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flammable liquid" means liquid having a flash point below 140° F. and having a vapor pressure not exceeding 40 psi (absolute) at 100° F.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley, or public road.

"High potential" means more than 650 volts.

"Hoist" means a power driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

"Incline" means any inclined plane, whether above or beneath the surface.

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosives.

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Low potential" means 650 volts or less.

"Magazine" means a storage place for explosives or detonators.

"Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution or conversion of electrical power.

"Manlift" means a power driven vertical belt having regularly spaced steps which can be boarded by men and used to travel from one elevation to another.

"Man trip" means a trip on which men are transported to and from a work area.

"Mill" includes any ore mill, sampling works, concentrator, and any crushing, grinding, or screening plant used at, and in connection with, an excavation or mine.

"Misfire" means the complete or partial failure of a blasting charge to explode as planned.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

"Permissible" means a machine, material, apparatus, or device which has been investigated, tested, and approved by the Bureau of Mines, and maintained in permissible condition.

"Potable" means fit for drinking.

"Primer" means a package or cartridge of explosives with a detonator.

"Reverse-current protection" means a method or device used on direct-current circuits or equipment to prevent the flow of current in the reverse direction.

"Roll protection" means a framework safety canopy or similar protection for the operator when equipment overturns.

"Safety can" means an approved container, of not over five gallons capacity, having a spring-closing lid and spout cover.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and waterproofing compounds, which burns at a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety switch" means a sectionalizing switch that also provides short circuit protection in blasting circuits between the blasting switch and the shot area.

"Scaling" means removal of insecure material from a face or highwall.

"Secondary safety connection" means a second connection between a conveyance and rope, intended to prevent the conveyance from running away or falling in the event the primary connection fails.

"Semiconductive hose" means hose having an electrical resistance of not less than 5,000 ohms per foot and not more than 2 megohms for its total length, used in pneumatic placement of blasting agents in boreholes.

"Shaft" means a vertical or inclined shaft; a slope, incline or winze.

"Sprung hole" means a blasting hole chambered or enlarged to take an increased charge of explosives.

"Stemming" means the inert material,

and the placing of such material, on top of a charge of explosives.

"Stray current" means that portion of a total electric current that flows through paths other than the intended circuit.

"Substantial construction" means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, usage, and deterioration to which it will be subjected.

"Suitable" means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

"Threshold limit values" refers to airborne concentrations of substances and represent conditions under which it is believed that nearly all workers may be repeatedly exposed for a full shift, day after day, without adverse effect.

"Travelway" means a passage, walk or way regularly used and designated for persons to go from one place to another.

"Trip light" means a light displayed on the opposite end of a train from the locomotive or engine.

"Wet drilling" means the continuous application of water through the central hole of hollow drill steel to the bottom of the drill hole.

"Working place" means any place in or about a mine where work is being performed.

§ 55.3 Ground control.

55.3-1 *Mandatory-OPAC.* Standards acceptable to the Secretary for the safe control of pit walls, including the overall slope of the pit wall, shall be established and followed by the operator. Such standards shall be consistent with prudent engineering design, the nature of the ground and the kind of material and mineral mined, and the ensuring of safe working conditions according to the degree of slope. Mining methods shall be selected which will ensure wall and bank stability, including benching as necessary to obtain a safe overall slope.

55.3-2 *Mandatory-OPAC.* Loose unconsolidated material shall be stripped for a safe distance, but in no case less than 10 feet, from the top of pit or quarry walls, and the loose unconsolidated material shall be sloped to the angle of repose.

55.3-3 *Mandatory-OPAC.* To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

55.3-4 *Mandatory-OPAC.* Safe means for scaling pit banks shall be provided. Where power shovels are used for scaling, banks shall be limited to heights that can be scaled with the shovel buckets. Exposed bank areas shall be scaled before any other work is performed in the exposed bank area.

55.3-5 *Mandatory-OPAC.* Men shall not work near or under dangerous banks. Overhanging banks shall be taken down immediately and other unsafe ground conditions shall be corrected promptly, or the areas shall be barricaded and posted.

55.3-6 *Mandatory-OPAC.* Men shall approach loose rock and areas to be scaled from above and shall scale from a safe location.

55.3-7 *Baffleboards, screens, cribbing, or other suitable means* should be provided to prevent movement of material into cuts developed into steep hillsides.

55.3-8 *Mandatory-OPAC.* The supervisor, or a competent person designated by him, shall examine working areas and faces for unsafe conditions at least at the beginning of each shift and after blasting. Any unsafe condition found shall be corrected before any further work is performed at the immediate area or face at which the unsafe condition exists.

55.3-9 *Mandatory-OPAC.* Men shall examine their working places before starting work and frequently thereafter and any unsafe condition shall be corrected.

55.3-10 Banks, benches, and terrain sloping into the working areas should be examined after every rain, freeze, or thaw before men work in such areas.

55.3-11 Large boulders requiring secondary blasting should be in a safe location before they are drilled or broken.

55.3-12 *Mandatory-OPAC.* Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape from falls or slides of the bank.

55.3-13 Rock-bolt installations, where used, should be in accordance with recommendations of the Bureau of Mines or other competent agency.

§ 55.4 Fire prevention and control.

55.4-1 *Mandatory-OPAC.* No person shall smoke or use an open flame where oil, grease, flammable solvents, liquids, fluids, or other flammable materials are stored, transported, handled, or used, nor within an unsafe distance of any area or place where such practices may cause a fire or explosion.

55.4-2 *Mandatory-OPAC.* Signs warning against smoking and open flame shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

55.4-3 Areas surrounding flammable-liquid-storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 25 feet in all directions.

55.4-4 *Mandatory.* Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.

55.4-5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

55.4-6 Buildings or rooms in which oil, grease, flammable liquids or similar flammable materials are stored should be of fire-resistant construction and well ventilated.

55.4-7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.

55.4-8 *Mandatory-OPAC.* Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

55.4-9 *Mandatory-OPAC.* All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.

55.4-10 *Mandatory-OPAC.* Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

55.4-11 *Mandatory-OPAC.* Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

55.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

55.4-13 Materials, such as oily waste and rags, which are subject to spontaneous combustion should be placed in tightly covered metal containers until disposed of properly.

55.4-14 *Mandatory-OPAC.* Solvents with flash points lower than 100° F. (38° C.) shall not be used for cleaning.

55.4-15 *Mandatory-OPAC.* Solvents shall not be used near an open flame or other ignition source, or near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flash point.

55.4-16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.

55.4-17 Floors around drip pans should be covered with sand or other suitable non-combustible material and such sand or material should be replaced as necessary.

55.4-18 *Mandatory-OPAC.* Oxygen cylinders shall not be stored near oil or grease.

55.4-19 *Mandatory-OPAC.* Gauges and regulators used with oxygen or acetylene cylinders shall be kept clean and free of oil and grease.

55.4-20 *Mandatory-OPAC.* Battery-charging stations shall be located in well ventilated areas.

55.4-21 *Mandatory-OPAC.* Internal combustion engines, except diesels, shall be shut off and stopped before being fueled.

55.4-22 *Mandatory-OPAC.* Each mine shall have available or be provided with suitable firefighting equipment adequate for the size of the mine.

55.4-23 *Mandatory-OPAC.* Firefighting equipment shall be strategically located, readily accessible, plainly marked, properly maintained, and inspected periodically. Records shall be kept of such inspections.

55.4-24 Fire extinguishers should be:

(a) Of the appropriate type for the particular fire hazard involved;

(b) Adequate in number and size for the particular fire hazard involved;

(c) Replaced immediately with fully charged extinguishers after any discharge is made from the extinguisher;

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations;

(e) Approved by the Underwriter's Laboratories, Inc. or other competent testing agency acceptable to the Bureau of Mines.

55.4-25 Fire hydrants should be:

(a) Of a standard type to fit the hose equipment of local fire departments. Adapters should be provided if necessary.

(b) Provided with readily available wrenches or keys to open the valves.

55.4-26 Water pipes, valves, outlets, hydrants, and hoses designated for firefighting purposes should be inspected and tested every 3 months.

55.4-27 Suitable fire extinguishers should be provided on self-propelled mobile equipment with enclosed cabs.

55.4-28 Suitable fire extinguishers should be an integral part of portable cutting and welding equipment.

55.4-29 *Mandatory-OPAC.* When welding or cutting near combustible materials, suitable precautions shall be taken to ensure that smoldering metal or sparks do not result in a fire.

55.4-30 Employees should be trained in the use of firefighting equipment.

55.4-31 A firefighting organization should be established, equipped, and trained in firefighting; drills should be held at least twice a year.

55.4-32 All employees should be instructed on current escape and evacuation plans, fire alarm signals, and applicable procedures to be followed in case of fire.

55.4-33 Fire-alarm systems adequate to warn all employees should be provided and maintained in operating condition.

55.4-34 Two exits should be provided where men work or congregate.

55.4-35 *Mandatory-OPAC.* Valves on oxygen and acetylene tanks shall be kept closed when the contents are not being used.

55.4-36 Belt conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

§ 55.5 Air quality.

55.5-1 *Mandatory-OPAC.* Where airborne concentrations of dust, gas, mist and fumes are encountered which exceed threshold limit values adopted by the American Conference of Governmental Hygienists, and persons are exposed to such concentrations, control measures shall be adopted to main-

tain concentrations below such threshold limit values.

55.5-2 *Mandatory-OPAC.* Dust, gas, mist, and fume surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.

55.5-3 *Mandatory-OPAC.* Atmospheres where persons work (including equipment cabs) shall contain:

(a) At least 20 percent oxygen;

(b) Not more than 0.005 percent carbon monoxide, 0.5 percent carbon dioxide, and 5 parts per million nitrogen dioxide or other threshold limit values for these gases adopted by the American Conference of Governmental Industrial Hygienists;

(c) No harmful quantities of other gases, fumes, or mists as determined by threshold limit values established by the American Conference of Governmental Industrial Hygienists.

55.5-4 *Mandatory-OPAC.* Holes shall be collared and drilled wet, or other efficient dust control measures shall be used when drilling non-water-soluble materials. Efficient dust control measures shall be used when drilling water-soluble materials.

55.5-5 Muck piles, haulage roads, rock transfer points, crushers, and other points where dust is produced should be wet down at the beginning of the shift and thereafter as necessary, unless dust is controlled adequately by other methods.

55.5-6 *Mandatory-OPAC.* Bureau of Mines approved respirators shall be worn for protection against short-term exposures to concentrations of substances in excess of threshold limit values. Where a concentration of a substance is encountered for which a respirator has not been approved by the Bureau of Mines, respirators developed and tested by an agency or organization acceptable to the Bureau shall be used. Where an approved or acceptable respirator is not available, no person shall enter or be exposed to concentrations in excess of threshold limit values. Except as provided in this section, use of respirators shall not be substituted for regular control measures.

§ 55.6 Explosives.

STORAGE

55.6-1 *Mandatory-OPAC.* Detonators, explosives and blasting agents shall be stored in magazines.

55.6-2 *Mandatory-OPAC.* Separate magazines shall be provided for the storage of detonators and explosives.

55.6-3 *Mandatory-OPAC.* Detonators shall not be stored in the same magazine with explosives or blasting agents.

55.6-4 Blasting agents, safety fuse, or detonating fuse may be stored with explosives.

55.6-5 *Mandatory-OPAC.* Magazines shall be:

(a) Located in accordance with the current American table of distances for storage of explosives;

(b) Detached structures located away from power lines, fuel storage areas, and other possible sources of fire;

(c) Constructed substantially of non-combustible material or covered with fire-resistant material;

(d) Reasonably bullet-resistant;

(e) Electrically bonded and grounded if constructed of metal;

(f) Made of nonsparking materials on the inside, including floors;

(g) Provided with adequate and effectively screened ventilation openings near the floor and ceiling;

(h) Kept locked securely when unattended;

(i) Posted with suitable danger signs so located that a bullet passing through the face of a sign will not strike the magazine;

(j) Used exclusively for storage of blasting agents, explosives, or detonators and kept free of all extraneous materials;

(k) Kept clean and dry in the interior, and in good repair;

(1) Unheated, unless heated in a manner that does not create a fire or explosion hazard. Electrical heating devices shall not be used inside a magazine.

55.6-6 *Mandatory-OPAC.* Only enclosed and gasketed fixtures and wiring in conduit shall be used inside magazines that are illuminated electrically.

55.6-7 *Mandatory-OPAC.* Electric switches shall be outside the magazines.

55.6-8 Areas surrounding magazines for not less than 25 feet in all directions should be kept free of rubbish and other combustibles.

55.6-9 *Mandatory-OPAC.* Smoking and open flames shall not be permitted within 25 feet of explosives and detonator-storage magazines.

55.6-10 Cases of explosives should be stored in such a manner to assure the use of the oldest stock first.

55.6-11 *Mandatory-OPAC.* Ammonium nitrate fuel-oil mixture shall be physically separated from dynamite stored in the same magazine and in such a manner that oil does not contaminate the dynamite.

55.6-12 Cases of explosives should not be stored on their ends or sides.

55.6-13 Cases of explosives should not be stacked more than 6 feet high.

TRANSPORTATION

55.6-20 *Mandatory-OPAC.* Explosives and detonators shall be transported in separate vehicles unless separated by 4 inches of hard wood or the equivalent.

55.6-21 *Mandatory-OPAC.* When explosives and detonators are hauled by trolley locomotive, covered electrically insulated cars shall be used.

55.6-22 *Mandatory-OPAC.* Self-propelled vehicles used to transport explosives or detonators shall be equipped with suitable fire extinguishers.

55.6-23 *Mandatory-OPAC.* Vehicles containing explosives or detonations shall be posted with proper warning signs.

55.6-24 *Mandatory-OPAC.* When vehicles containing explosives or detonators are parked, the brakes shall be set, the motive power shut off, and the vehicles shall be blocked securely against rolling.

55.6-25 *Mandatory-OPAC.* Vehicles containing explosives or detonators shall not be left unattended except in blasting areas where loading or charging is in progress.

55.6-26 Vehicles containing explosives or detonators should not be taken to a repair garage or shop for any purpose.

55.6-27 *Mandatory-OPAC.* Vehicles containing explosives or detonators shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

55.6-28 *Mandatory-OPAC.* Vehicles used to transport explosives other than anfo mixtures, shall have substantially constructed bodies, no sparking metal exposed in the cargo space, and shall be equipped with suitable sides and tail gates; explosives shall not be piled higher than the side or end enclosures.

55.6-29 Explosives should be transported at times and over routes that expose a minimum number of persons.

55.6-30 Explosives or detonators in open-bodied vehicles should be covered with fire and water retardant materials.

55.6-31 *Mandatory-OPAC.* Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives or detonators.

55.6-32 *Mandatory-OPAC.* Explosives or detonators shall not be transported on locomotives.

55.6-33 *Mandatory-OPAC.* No person shall smoke while transporting or handling explosives or detonators.

55.6-34 *Mandatory-OPAC.* Only the necessary attendants shall ride on or in vehicles containing explosives or detonators.

55.6-35 *Mandatory-OPAC.* Explosives or

detonators shall not be transported on man trips.

55.6-36 Explosives should be transported promptly without undue delays in transit.

55.6-37 *Mandatory-OPAC.* Non-conductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.

55.6-38 *Mandatory-OPAC.* Substantial non-conductive closed containers shall be used to carry explosives to blasting sites.

USE

55.6-45 *Mandatory-OPAC.* Persons who use explosives, blasting agents, or detonators shall be experienced men who understand the hazards involved; trainees shall do such work only under the supervision of and in the immediate presence of experienced men.

55.6-46 Blasting operations should be under the direct control of authorized persons.

55.6-47 *Mandatory-OPAC.* Damaged or deteriorated explosives, blasting agents, and detonators shall be destroyed in a safe manner.

55.6-48 *Mandatory.* Explosives or detonators shall not be taken to the face or the immediate vicinity of the blasting site until all other work has been completed.

55.6-49 *Mandatory.* Holes to be blasted shall be charged as near to blasting time as practical and such holes shall be blasted as soon as possible after charging has been completed. In no case shall the time elapsing between the completion of charging to the time of blasting exceed 72 hours unless prior approval has been obtained from the Bureau of Mines.

55.6-50 *Mandatory-OPAC.* No person shall smoke within 25 feet of explosives, blasting agents, or detonators.

55.6-51 *Mandatory-OPAC.* Explosives and blasting agents shall be kept separated from detonators until charging is started.

55.6-52 *Mandatory-OPAC.* Primers shall be made up at the time of charging and as close to the blasting site as conditions allow.

55.6-53 Primers should be prepared so that the detonator is contained securely along the centerline of the explosives cartridge.

55.6-54 *Mandatory-OPAC.* Only wooden or other nonsparking implements shall be used to punch holes in explosives cartridges.

55.6-55 *Mandatory-OPAC.* Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.

55.6-56 No tamping should be done directly on prime cartridges.

55.6-57 *Mandatory-OPAC.* Unused explosives and detonators shall be moved to a safe location as soon as charging operations are completed.

55.6-58 *Mandatory-OPAC.* Areas in which charged holes are awaiting firing shall be guarded, or barricaded and posted, or flagged, against unauthorized entry.

55.6-59 *Mandatory.* Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from areas endangered by the blast.

55.6-60 *Mandatory.* Sufficient blasting shelters shall be provided to protect all men endangered by fly rock from blasting.

55.6-61 *Mandatory-OPAC.* When safety fuse has been used, men shall not return to misfired holes for at least 30 minutes.

55.6-62 *Mandatory.* When electric blasting caps have been used, men shall not return to misfired holes for at least 15 minutes.

55.6-63 Faces and muckpile should be examined for undetonated explosives after each blast and undetonated explosives found should be disposed of safely.

55.6-64 *Mandatory-OPAC.* Misfires shall be reported to the proper supervisor and shall be disposed of safely before any other work is performed in that blasting area.

55.6-65 Blast holes in "hot-hole" areas and holes that have been sprung should not

be charged before tests have been made to ensure that the heat has been dissipated to a safe extent.

55.6-66 If explosives are suspected of burning in a hole, all persons in the endangered area should move to a safe location until the danger has passed.

55.6-67 *Mandatory-OPAC.* Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

55.6-68 *Mandatory-OPAC.* Fuse and igniters shall be stored in a cool, dry place away from oils or grease.

55.6-69 Fuse should not be kinked, bent sharply, or handled roughly.

55.6-70 *Mandatory-OPAC.* Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

55.6-71 *Mandatory-OPAC.* Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

55.6-72 *Mandatory-OPAC.* the burning rate of the fuse shall be posted in the fuse-capping station in a conspicuous location such that the burning rate will be brought to the attention of all men concerned with blasting.

55.6-73 *Mandatory-OPAC.* Fuse less than 48 inches long shall not be used.

55.6-74 *Mandatory-OPAC.* At least two men shall be present when lighting fuses, and no man shall light more than 15 individual fuses. If more than 15 holes per man are to be fired, igniter cord and connectors or electric blasting shall be used.

55.6-75 A safe interval of time should be allowed to light a round and evacuate the blasting area.

55.6-76 *Mandatory-OPAC.* Fuse shall be ignited with hot-wire lighters, lead spitters, igniter cord, or other such devices designed for this purpose.

55.6-77 *Mandatory-OPAC.* Fuse shall not be ignited before the primer and the entire charge are securely in place.

55.6-78 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.

55.6-79 Electric detonators of different brands should not be used in the same round.

55.6-80 *Mandatory-OPAC.* Electric detonators shall remain shunted until they are being wired into the blasting circuit. Lead lines and wired rounds shall be kept shunted until immediately before blasting.

55.6-81 Completely wired rounds should be tested with a blasting galvanometer before connections are made to the blasting line.

55.6-82 *Mandatory-OPAC.* Lead wires and blasting lines shall not be strung across power conductors, pipelines, railroad tracks, or within 20 feet of bare powerlines. They shall be protected from sources of static or other electrical contact.

55.6-83 *Mandatory-OPAC.* Permanent blasting lines shall be properly supported, insulated, and kept in good repair.

55.6-84 *Mandatory-OPAC.* Charging shall be stopped immediately when the presence of static electricity or stray current is detected; the condition shall be remedied before charging is resumed.

55.6-85 *Mandatory-OPAC.* Charging shall be suspended in surface mining, shaft sinking, and tunneling and men withdrawn to a safe location upon the approach of an electrical storm.

55.6-86 *Mandatory-OPAC.* If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

55.6-87 *Mandatory-OPAC.* Safety switches and blasting switches shall be labeled, encased in boxes, and arranged so that the covers of the boxes cannot be closed with the switches in closed position.

55.6-88 *Mandatory-OPAC.* Blasting switches shall be locked in the open position, except when closed to fire the blast. Lead wires shall not be connected to the

blasting switch until the shot is ready to be fired.

55.6-89 *Mandatory-OPAC*. The key to a blasting switch shall be entrusted only to the person designated to fire blasts.

55.6-90 *Mandatory-OPAC*. Electric circuits from the blasting switches to the blast area shall not be grounded.

55.6-91 At least a 5-foot air gap should be provided between the blasting circuit and the power circuit.

55.6-92 *Mandatory-OPAC*. Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before explosives are brought into the area; the power shall not be turned on again until after the shots are fired.

55.6-93 Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

55.6-94 *Mandatory*. The double trunk-line or loop system shall be used in detonating-cord blasting.

55.6-95 *Mandatory-OPAC*. The trunk-line, in multiple row blasts, shall make one or more complete loops, with crossties between loops at intervals of not over 200 feet.

55.6-96 *Mandatory*. All detonating-cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

55.6-97 Delay connectors for firing detonating cord should be treated and handled with the same safety precautions as blasting caps and electric detonators.

55.6-98 Detonating cord should not be kinked, bent, or otherwise handled in such a manner that the train of detonation may be interrupted.

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

55.6-110 If sensitized ammonium nitrate blasting agents are not purchased premixed, all procedures concerning storage of components and the final product, mixing, and transportation should be in accordance with Bureau of Mines Information Circular 8179, "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," or subsequent revisions.

55.6-111 *Mandatory*. In the use of sensitized ammonium nitrate mixtures and blasting agents the same precautions shall be taken as for high explosives.

55.6-112 Adequate priming should be employed to guard against misfires, increased toxic fumes, and poor performance.

55.6-113 *Mandatory-OPAC*. Where pneumatic loading is employed, before any type of blasting operation using blasting agents is put into effect, an evaluation of the potential hazard of static electricity shall be made. Adequate steps, including the grounding and loading of the conductive parts of pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before blasting agent use is commenced.

55.6-114 *Mandatory-OPAC*. Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.

55.6-115 *Mandatory*. Hoses used in connection with pneumatic loading machines shall be of the semiconductive type, having a total resistance low enough to permit the dissipation of static electricity and high enough to limit the flow of stray electric currents to a safe level. Wire-countered hose shall not be used because of the potential hazard from stray electric currents.

55.6-116 Reasonable precautions should be exercised to exclude moisture from blasting agents other than slurries. Water should be removed from holes before holes are charged. If water continues to flow into boreholes, sensitized ammonium nitrate should not be used.

55.6-117 *Mandatory-OPAC*. Plastic tubes shall not be used to protect pneumatically loaded blasting agent charges against water unless a positive grounding system is pro-

vided to drain electrostatic charges from the hole.

§ 55.7 Drilling.

55.7-1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

55.7-2 *Mandatory-OPAC*. Equipment defects affecting safety shall be corrected before the equipment is used.

55.7-3 *Mandatory-OPAC*. The drilling area shall be inspected for hazards before starting the drilling operations.

55.7-4 *Mandatory-OPAC*. Men shall not be on the mast while the drill is in operation.

55.7-5 *Mandatory-OPAC*. Drill crews and others shall stay clear of augers or drill stems that are in motion. Persons shall not pass under or step over a moving stem or auger.

55.7-6 Receptacles or racks should be provided for drill steel stored on drills.

55.7-7 Tools and other objects should not be left loose on the mast or drill platform.

55.7-8 *Mandatory-OPAC*. When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast placed in a safe position.

55.7-9 The drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.

55.7-10 *Mandatory-OPAC*. In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

55.7-11 *Mandatory-OPAC*. The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on a reel.

55.7-12 *Mandatory-OPAC*. While in operation, drills shall be attended at all times.

55.7-13 *Mandatory-OPAC*. Drill holes large enough to constitute a hazard shall be covered or guarded.

55.7-14 Men operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

55.7-15 Men should not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

55.7-16 Bit wrenches or bits knockers should be used to remove detachable bits from drill steel.

55.7-17 Starter steels should be used when collaring holes with handheld or feedleg drills.

55.7-18 *Mandatory-OPAC*. Men shall not hold the drill steel while collaring holes, or rest their hands on the chuck or centralizer while drilling.

55.7-19 Air should be turned off and bled from the hose before handheld drills are moved from one working area to another.

§ 55.8 Rotary jet piercing.

55.8-1 Jet drills should be provided with:

- (a) A system to pressurize operators' cabs;
- (b) A protective cover over the oxygen flow indicator.

55.8-2 *Mandatory-OPAC*. Safety chains or other suitable locking devices shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

55.8-3 *Mandatory-OPAC*. A suitable means of protection shall be provided for the employee when lighting the burner.

55.8-4 With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

55.8-5 *Mandatory-OPAC*. Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 55.9 Loading, hauling, dumping.

55.9-1 Equipment should be inspected

each shift by an authorized individual. Equipment defects affecting safety should be reported.

55.9-2 *Mandatory-OPAC*. Equipment defects affecting safety shall be corrected before the equipment is used.

55.9-3 *Mandatory-OPAC*. Powered mobile equipment shall be provided with adequate brakes.

55.9-4 Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.

55.9-5 *Mandatory-OPAC*. Operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.

55.9-6 *Mandatory-OPAC*. When the entire length of the conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visual warning system shall be installed and operated to warn persons that the conveyor will be started.

55.9-7 *Mandatory-OPAC*. Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length.

55.9-8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.

55.9-9 *Mandatory-OPAC*. Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.

55.9-10 *Mandatory-OPAC*. Trucks, shuttle cars, and front-end loaders shall be equipped with emergency brakes separate and independent of the regular braking system.

55.9-11 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

55.9-12 *Mandatory-OPAC*. Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

55.9-13 *Mandatory-OPAC*. Cabs of mobile equipment shall be kept free of extraneous materials.

55.9-14 In areas where weather conditions justify, haulage trucks with cabs should be equipped with heaters and/or air conditioners maintained in good condition.

55.9-15 *Mandatory-OPAC*. Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

55.9-16 *Mandatory-OPAC*. No person shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the belt is specifically designed for the transportation of persons.

55.9-17 Slusher hoists should be equipped with backslash guards, rollers, drum covers, and anchored securely before slushing operations are started.

55.9-18 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

55.9-19 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

55.9-20 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

55.9-21 *Mandatory-OPAC*. Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

55.9-22 Track guard rails, lead rails, and frogs should be protected or blocked so as

to prevent a person's foot from becoming wedged.

55.9-23 *Mandatory-OPAC*. Positive-acting stopblocks, derail devices, track skates, or other adequate means shall be installed wherever necessary to protect persons from runaway or moving railroad equipment.

55.9-24 Traffic rules, signals, and warning signs should be standardized at each mine and posted.

55.9-25 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.

55.9-26 *Mandatory-OPAC*. Berms or guards shall be provided on the outer banks of elevated roadways.

55.9-27 *Mandatory-OPAC*. Trackless haulage equipment shall be operated under power control at all times.

55.9-28 *Mandatory-OPAC*. Mobile equipment operators shall have full control of the equipment while it is in motion.

55.9-29 *Mandatory-OPAC*. Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

55.9-30 *Mandatory-OPAC*. Only authorized persons shall be present in areas of loading or dumping operations.

55.9-31 *Mandatory-OPAC*. When an operator is present, men shall notify him before getting on or off equipment.

55.9-32 *Mandatory-OPAC*. Switch throws shall be installed so as to provide adequate clearance for switchmen.

55.9-33 Operators should sit facing the direction of travel while operating equipment with dual controls.

55.9-34 *Mandatory-OPAC*. Men shall not work or pass under the buckets or booms of loaders in operation.

55.9-35 *Mandatory-OPAC*. When traveling between work areas, the equipment shall be secured in the travel position.

55.9-36 *Mandatory-OPAC*. Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

55.9-37 *Mandatory*. Men shall not ride in dippers, buckets, forks, clamshells, or in the beds of dump trucks for the purpose of transportation.

55.9-38 Loaded cars or trucks should not be moved until the loads are trimmed properly.

55.9-39 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.

55.9-40 *Mandatory-OPAC*. Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set or other equivalent precautions are taken against rolling.

55.9-41 *Mandatory-OPAC*. Mobile equipment shall not be left unattended unless the brakes are set. The wheels shall be turned into a bank or rib, or shall be blocked, when such equipment is parked on a grade.

55.9-42 *Mandatory-OPAC*. Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.

55.9-43 *Mandatory-OPAC*. Men shall not ride on top of loaded haulage equipment.

55.9-44 *Mandatory-OPAC*. Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.

55.9-45 Rocker-bottom or bottom-dump cars should be equipped with positive locking devices.

55.9-46 *Mandatory-OPAC*. Men shall not ride outside the cabs and beds of mobile equipment.

55.9-47 *Mandatory-OPAC*. Equipment

which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

55.9-48 *Mandatory-OPAC*. Parked railcars, unless held effectively by brakes shall be blocked securely.

55.9-49 *Mandatory-OPAC*. Railroad cars with braking systems, when in use, shall be equipped with effective brake shoes.

55.9-50 Long material should be transported by a method designed to prevent any overhang from creating a hazard.

55.9-51 *Mandatory-OPAC*. Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

55.9-52 *Mandatory-OPAC*. Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

55.9-53 *Mandatory-OPAC*. Inability of the motorman to clearly recognize the brakeman's signals when the train is under the direction of the brakeman shall be construed by the motorman as a stop signal.

55.9-54 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.

55.9-55 *Mandatory-OPAC*. Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

55.9-56 Where the ground at a dumping place may fall to support the weight of a loaded dump truck, trucks should be dumped back from the edge of the bank.

55.9-57 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.

55.9-58 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.

55.9-59 *Mandatory-OPAC*. If truck spotter are used, they shall be well in the clear while trucks are backing into dumping position and dumping; lights shall be used at night to direct trucks.

55.9-60 *Mandatory-OPAC*. Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails.

55.9-61 *Mandatory-OPAC*. Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

55.9-62 *Mandatory-OPAC*. Stockpile and muckpile faces shall be trimmed to prevent hazards to personnel.

55.9-63 *Mandatory-OPAC*. Rocks too large to be handled safely shall be broken before loading.

55.9-64 Ramps and dumps should be of solid construction, of ample width, have ample side clearance and headroom, and be kept reasonably free of spillage.

55.9-65 *Mandatory-OPAC*. Chute-loading installations shall be designed so that men pulling chutes are not required to assume hazardous positions while loading cars.

55.9-66 Cars should not be coupled or uncoupled manually from the inside of curves.

55.9-67 *Mandatory-OPAC*. Facilities used to transport men to and from work areas shall not be overcrowded.

55.9-68 *Mandatory-OPAC*. Supplies, materials, and tools other than small hand tools shall not be transported with men in man-trip vehicles, unless such vehicles are specifically designed to make such transportation safe.

55.9-69 *Mandatory-OPAC*. Lights, flares, or other warning devices shall be posted when parked equipment creates a hazard to vehicular traffic.

55.9-70 *Mandatory-OPAC*. Tires shall be deflated before repairs on them are started and adequate means shall be provided to prevent wheel locking rims from creating a hazard during tire inflation.

55.9-71 Any load extending more than 4 feet beyond the rear of the vehicle body

should be marked clearly with a red flag by day and a red light at night.

55.9-72 A tow bar should be used to tow heavy equipment. A safety chain should be used in conjunction with the tow bar.

§ 55.10 Aerial tramways.

55.10-1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.

55.10-2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer or as physical conditions warrant. Records of rope maintenance and inspections should be kept.

55.10-3. *Mandatory-OPAC*. Any hazardous defects shall be corrected before the equipment is used.

55.10-4 Positive action-type brakes should be provided on aerial tramways.

55.10-5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

55.10-6 Guards should be installed to prevent swaying buckets from hitting towers.

55.10-7 *Mandatory-OPAC*. Guard nets shall be provided where tramways pass over roadways, walkways, and buildings.

55.10-8 *Mandatory-OPAC*. Persons other than maintenance men shall not ride aerial tramways unless the following features are provided:

(a) Two independent brakes, each capable of holding the maximum load;

(b) Direct communication between terminals;

(c) Powerdrives with emergency power available in case of primary power failure;

(d) Buckets equipped with positive locks to prevent accidental tripping or dumping.

55.10-9 *Mandatory-OPAC*. Men shall not ride loaded buckets.

55.10-10 *Mandatory-OPAC*. Where possible, aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

§ 55.11 Travelways.

55.11-1 *Mandatory-OPAC*. Safe means of access shall be provided and maintained to all working places.

55.11-2 *Mandatory-OPAC*. Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

55.11-3 Ladders shall be of substantial construction and maintained in good condition.

55.11-4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on secure footing.

55.11-5 *Mandatory-OPAC*. Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

55.11-6 Fixed ladders should be offset and have substantial railed landings at least every 30 feet unless backguards are provided.

55.11-7 Steep fixed ladders (70° to 90° from the horizontal) 30 feet or more in length should be provided with backguards, cages, or equivalent protection, starting at a point not more than 7 feet from the bottom of the ladder.

55.11-8 *Mandatory-OPAC*. Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

55.11-9 Wooden members of ladders should not be painted.

55.11-10 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

55.11-11 *Mandatory-OPAC*. Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

55.11-12 Vertical clearance above stair steps should be a minimum of 7 feet.

55.11-13 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

55.11-14 *Mandatory-OPAC*. Openings above, below, or near travelways through which men or materials may fall shall be protected by railings, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

55.11-15 *Mandatory-OPAC*. Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floorboards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

55.11-16 *Mandatory-OPAC*. Crossovers shall be provided where it is necessary to cross conveyors.

55.11-17 *Mandatory-OPAC*. Moving conveyors shall be crossed only at designated crossover points.

55.11-18 Slippery walkways should be provided with cleats and handrails and/or ropes.

55.11-19 *Mandatory-OPAC*. Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

55.11-20 Fixed ladders should not incline backwards at any point unless provided with backguards.

§ 55.12 Electricity.

55.12-1 *Mandatory*. Circuits shall be protected against excessive overload by fuses or circuit breakers of the correct type and capacity.

55.12-2 *Mandatory-OPAC*. Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

55.12-3 *Mandatory*. Electric equipment and circuits shall be provided with switches or other controls. Such switches or controls shall be of approved design and construction and shall be properly installed.

55.12-4 *Mandatory*. Individual overload protection or short-circuit protection shall be provided for the trailing cables of mobile equipment.

55.12-5 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

55.12-6 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless the cables are properly bridged or protected.

55.12-7 Distribution boxes should be provided with disconnect switches.

55.12-8 *Mandatory-OPAC*. Trailing cable and power-cable connections to junction boxes shall not be made or broken under load.

55.12-9 Power wires and cables should be insulated adequately where they pass into or out of electrical compartments.

55.12-10 Power wires and cables which present a fire hazard should be well installed on acceptable insulators.

55.12-11 *Mandatory-OPAC*. Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines should be guarded or deenergized.

55.12-12 Telephone and low-potential electric signal wires should be protected from contacting energized powerlines.

55.12-13 *Mandatory-OPAC*. High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

55.12-14 The potential on bare signal wires accessible to personal contact should not exceed 40 volts.

55.12-15 Splices in power cables, including ground conductor, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity;

(b) Effectively insulated and sealed to exclude moisture;

(c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original.

55.12-16 *Mandatory-OPAC*. Shovel trailing cables should not be moved with the shovel dipper unless cable slings or sleds are used.

55.12-17 *Mandatory*. Energized high-potential cables shall be handled with insulated hooks or tongs.

55.12-18 *Mandatory-OPAC*. Electrical equipment shall be deenergized before work is done on such equipment. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

55.12-19 *Mandatory-OPAC*. Power circuits shall be deenergized before work is done on such circuits unless hot line tools are used. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

55.12-20 *Mandatory-OPAC*. Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

55.12-21 At least 3 feet of clearance should be provided around all parts of stationary electric equipment or switchgear where access or travel is necessary.

55.12-22 *Mandatory-OPAC*. Dry wooden platforms, insulating mats, or other electrically nonconductive material shall be kept in place at all switchboards and power-control switches where shock hazards exist. However, metal plates on which a person normally would stand, and kept at the same potential as the grounded metal noncurrent carrying parts of the power switches to be operated, may be used.

55.12-23 *Mandatory-OPAC*. Suitable danger signs shall be posted at all major electrical installations.

55.12-24 Areas containing major electrical installations should be entered only by authorized personnel.

55.12-25 *Mandatory-OPAC*. Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

55.12-26 Reverse-current protection should be provided at storage-battery charging stations.

55.12-27 *Mandatory-OPAC*. All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

55.12-28 *Mandatory-OPAC*. Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

55.12-29 *Mandatory-OPAC*. Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

55.12-30 *Mandatory-OPAC*. Continuity and resistance of grounding systems shall be tested immediately after installation.

55.12-31 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

55.12-32 *Mandatory-OPAC*. When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

55.12-33 Electric motors, switches, and controls exposed to damaging dust or water should be of dust-tight or water-tight construction.

55.12-34 Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

55.12-35 *Mandatory-OPAC*. Hand-held electric tools shall not be operated at high potential voltages.

55.12-36 Portable extension lights and

other lights that may present a shock or burn hazard should be guarded.

55.12-37 Lamp pockets exposed to the weather should be of a weather-proof type.

55.12-38 *Mandatory-OPAC*. Circuits shall be deenergized before fuses are removed or replaced.

55.12-39 *Mandatory-OPAC*. Fuse tongs or hot line tools shall be used when fuses are removed or replaced in high-potential circuits.

55.12-40 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

55.12-41 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in cable boots or on reels mounted on the equipment or otherwise protected from mechanical damage.

55.12-42 *Mandatory-OPAC*. Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

55.12-43 *Mandatory-OPAC*. Switches and starting boxes shall be of safe design and capacity.

55.12-44 Both rails should be bonded or welded at every joint. Rails should be crossbonded at least every 200 feet if the track serves as the return trolley circuit, except where a control signal cannot be used on a crossbonded track.

55.12-45 *Mandatory-OPAC*. Equipment with booms or masts which are not properly protected shall not be operated where the booms or masts can come within 10 feet of an energized overhead powerline.

55.12-46 Lightning arrester grounds should be connected to earth at least 10 feet from the track or mine return circuit.

55.12-47 *Mandatory-OPAC*. Overhead high-potential powerlines shall be installed as specified by the National Electrical Safety Code.

55.12-48 *Mandatory-OPAC*. When equipment must be moved under energized power lines and the clearance is less than 10 feet, the powerlines shall be deenergized or other precautions shall be taken.

55.12-49 *Mandatory-OPAC*. Guy wires of poles supporting high-potential conductors shall be equipped with insulators installed near the pole end.

55.12-50 *Mandatory-OPAC*. Telegraph telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Safety Code.

55.12-51 *Mandatory-OPAC*. Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

55.12-52 *Mandatory-OPAC*. Transformer enclosures shall be kept locked against unauthorized entry.

55.12-53 Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

55.12-54 Trolley wires should be aligned properly and installed at least 6 inches outside and 7 feet above the track.

55.12-55 Trolley wire hangers should be spaced so that the wire will not sag more than 3 inches between hangers and so that the wire may be detached from any one hanger without creating a shock hazard.

55.12-56 Trolley wires and trolley feeder wires should be provided with sectionalizing switches at man-trip stations and near the beginning of all branch lines.

55.12-57 Ground wires for lighting circuits powered from trolley wires should be connected securely to the ground return circuit.

55.12-58 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

§ 55.13 Compressed air and boilers.

GENERAL

55.13-1 *Mandatory-OPAC*. All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

COMPRESSED AIR

55.13-6 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 50° less than the flash points of the lubricating oils.

55.13-7 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gauges, and drain valves.

55.13-8 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

55.13-9 Compressed-air receivers should be drained of moisture and oil at least once each operating shift.

55.13-10 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

55.13-11 Compressed-air receivers and other pressure vessels should be inspected internally at least once a year by qualified inspectors; records of such inspections should be kept.

55.13-12 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

55.13-13 Compressor discharge pipes should be cleaned periodically.

55.13-14 Safety devices on compressed-air systems should be checked at the beginning of each shift.

55.13-15 *Mandatory-OPAC*. Repairs involving the pressure system of compressors, receivers, or compressed air-powered equipment shall not be attempted until the pressure has been bled off.

55.13-16 *Mandatory-OPAC*. At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

55.13-17 *Mandatory-OPAC*. Safety chains or suitable locking devices shall be used at connections to machines of high pressure hose lines of 1 inch inside diameter or larger, and between high-pressure hose lines of 1 inch diameter or larger, where a connection failure would create a hazard.

BOILERS

55.13-25 Boilers should be equipped with guarded well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

55.13-26 Boilers should be equipped with automatic pressure-relief valves; valves should be tested each shift.

55.13-27 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame-outs, fuel interruptions, and low water level.

55.13-28 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

55.13-29 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 55.14 Use of equipment.

GUARDS

55.14-1 *Mandatory-OPAC*. Gears; sprockets; chains; drive, head, tail, and takeup pulleys; flywheels; coupling; shafts; sawblades; fan inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons, shall be guarded.

55.14-2 *Mandatory-OPAC*. Overhead belts shall be guarded if the whipping action from a broken belt would be hazardous to persons below.

55.14-3 Guards at conveyor drive, head, and tail pulleys should extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the pulley.

55.14-4 Openings where conveyors pass through walls or floors should be guarded.

55.14-5 Protruding set screws on revolving parts should be guarded.

55.14-6 *Mandatory-OPAC*. Except when testing the machinery, guards shall be securely in place while machinery is being operated.

55.14-7 Guards should be sufficiently strong and maintained to provide the required protection.

55.14-8 *Mandatory-OPAC*. Stationary grinding machines other than special bit grinders shall be equipped with:

(a) Peripheral hoods (less than 90° throat openings) capable of withstanding the force of a bursting wheel;

(b) Adjustable tool rests set as close as practical to the wheel;

(c) Safety washers.

55.14-9 *Mandatory-OPAC*. Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

55.14-10 *Mandatory-OPAC*. Hand-held power tools, other than rock drills, shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

55.14-11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

55.14-12 Industrial vehicles such as fork-lift trucks, front-end loaders, and bulldozers should be provided with roll protection when necessary to protect the operator.

55.14-13 *Mandatory-OPAC*. Fork-lift trucks, front-end loaders, and bulldozers shall be provided with substantial canopies when necessary to protect the operator.

55.14-14 *Mandatory-OPAC*. Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

METHODS AND PROCEDURES

55.14-20 Machinery and equipment should be maintained properly.

55.14-21 *Mandatory-OPAC*. Unsafe equipment or machinery shall be removed from service immediately.

55.14-22 Machinery and equipment should be operated only by authorized and experienced persons.

55.14-23 Adequate clearance should be provided at machine installations.

55.14-24 *Mandatory-OPAC*. Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

55.14-25 *Mandatory-OPAC*. Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

55.14-26 *Mandatory-OPAC*. Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

55.14-27 *Mandatory-OPAC*. Belts, chains, and ropes shall not be guided onto power-

driven moving pulley, sprockets, or drums with the hands except on slow moving equipment especially designed for hand feeding.

55.14-28 *Mandatory*. Pulleys or conveyors shall not be cleaned manually while the conveyor is in motion.

55.14-29 *Mandatory-OPAC*. Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

55.14-30 *Mandatory-OPAC*. Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

55.14-31 *Mandatory-OPAC*. Welding operations shall be shielded and well ventilated.

55.14-32 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

§ 55.15 Personal protection.

55.15-1 *Mandatory-OPAC*. Adequate first-aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

55.15-2 *Mandatory-OPAC*. All persons shall wear suitable hard hats when in or around a mine or plant where falling objects may create a hazard.

55.15-3 *Mandatory*. All persons shall wear suitable protective footwear when in or around a mine or plant where a hazard exists.

55.15-4 *Mandatory*. All persons shall wear safety glasses, goggles, or face shields when in or around a mine or plant.

55.15-5 *Mandatory-OPAC*. Safety belts and lines shall be worn when men work where there is danger of falling; a second person shall tend the lifeline when bins, tanks, or other dangerous areas are entered.

55.15-6 *Mandatory-OPAC*. Life jackets or belts shall be worn where there is danger of falling into water.

55.15-7 Protective clothing, rubber gloves, goggles, or face shields should be worn by persons handling substances that are corrosive, toxic, or injurious to the skin.

55.15-8 *Mandatory-OPAC*. Protective clothing or equipment and face shields or goggles shall be worn when welding, cutting, or working with molten metal.

55.15-9 Snug-fitting clothing should be worn around moving equipment and machinery.

55.15-10 Protective glove should be worn by employees handling materials which may cause injury.

55.15-11 Gloves should not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

55.15-12 Finger rings should not be worn while working in or around a mine or plant.

55.15-13 Effective ear protection should be worn where noise levels may cause permanent ear damage or hearing loss, or noise should be reduced to safe levels.

55.15-14 Where there is a danger of a vehicle overturning, seatbelts should be used.

§ 55.16 Materials storage and handling.

55.16-1 Materials should be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

55.16-2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

55.16-3 *Mandatory-OPAC*. Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

55.16-4 *Mandatory-OPAC*. Hazardous materials shall be stored in containers of a type approved for such use by recognized agencies; such containers shall be labeled appropriately.

55.16-5 *Mandatory-OPAC*. Compressed and liquid gas cylinders shall be secured in a safe manner.

55.16-6 *Mandatory-OPAC*. Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

55.16-7 Hitches and slings used to hoist materials should be designed and used properly for the particular material handled.

55.16-8 Taglines should be attached to suspended materials that require steadying.

55.16-9 *Mandatory-OPAC*. Men shall stay clear of suspended loads.

55.16-10 Materials should not be dropped from an elevation unless the drop area is guarded or sufficient warning is given.

55.16-11 *Mandatory-OPAC*. Men shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

55.16-12 Substances that react violently or liberate dangerous fumes when mixed should be stored in such a manner that they cannot come in contact with each other.

55.16-13 Only men wearing protective equipment should stand near pots or ladles when molten material is being handled; warning should be given before a pour is made or the pot is moved.

55.16-14 *Mandatory-OPAC*. Operator-carrying overhead cranes shall be provided with:

- (a) Bumpers at each end of each rail;
- (b) Automatic switches to halt uptravel of the blocks before they strike the hoist;
- (c) Effective audible warning signals within easy reach of the operator;
- (d) A means to lockout the disconnect switch.

55.16-15 *Mandatory-OPAC*. No person shall work from or travel on the bridge or an overhead crane unless the bridge is provided with substantial footwalks with toeboards and railings the length of the bridge.

55.16-16 Forklift trucks should be moved with the loads in a low position and should descend ramps with the load behind.

§ 55.17 Illumination.

55.17-1 *Mandatory-OPAC*. Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas.

§ 55.18 Safety programs

55.18-1 The employer should establish a definite, effective, and continually functioning safety program and make every attempt to prevent accidents and increase safety. Employees should actively participate in the safety program.

55.18-2 Regular safety inspections should be made by company officials and/or safety committees. Written reports should be made of the findings and the actions recommended or taken; this information should be made available to the employees.

55.18-3 Serious accidents, whether resulting in injury or not, should be investigated to determine the cause and the means of preventing recurrence. Records of these investigations should be kept and the information should be made available to the employees.

55.18-4 Company safety regulations pertinent to the various operations should be published or posted for employee information.

55.18-5 All employees and officials should be familiar with company, State, and Federal safety regulations.

55.18-6 *Mandatory-OPAC*. New employees shall be indoctrinated in safety rules and safe work procedures.

55.18-7 Inexperienced employees should be assigned to work with experienced men until such employees have acquired the necessary skills to perform their duties safely.

55.18-8 Each working place should be

visited by a supervisor or a designated person at least once each shift and more frequently as necessary to insure that work is being done in a safe manner.

55.18-9 *Mandatory-OPAC*. No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard or can be seen.

55.18-10 An authorized person should be in charge at all times when men are working.

55.18-11 Selected supervisors should be trained in first aid. First-aid training should be made available to all employees.

55.18-12 All supervisors and employees should be trained in accident prevention.

55.18-13 *Mandatory-OPAC*. Emergency telephone numbers shall be posted at appropriate telephones.

55.18-14 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

55.18-15 *Mandatory-OPAC*. Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

§ 55.19 Man hoisting.

The hoisting standards in this section apply to those hoists and appurtenances used for hoisting men. However, where men may be endangered by hoists and appurtenances used solely for handling ore, rock, and materials, the appropriate standards should be applied.

55.19-1 *Mandatory-OPAC*. Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

55.19-2 *Mandatory-OPAC*. Hoists shall be anchored securely.

55.19-3 *Mandatory-OPAC*. Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

55.19-4 *Mandatory-OPAC*. Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, ship, or bucket at any point in the shaft.

55.19-5 *Mandatory-OPAC*. The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

55.19-6 *Mandatory-OPAC*. Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

55.19-7 *Mandatory-OPAC*. Man hoists shall be provided with devices to prevent overtravel and overspeed.

55.19-8 Friction hoists should be provided with synchronizing mechanisms that recalibrate the overtravel devices and position indicators to correct for rope creep or stretch.

55.19-9 *Mandatory-OPAC*. An accurate and reliable indicator of the position of the cage, skip, bucket, or cars in the shaft shall be provided.

55.19-10 *Mandatory-OPAC*. Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

55.19-11 Flanges on drums should extend radially a minimum of three rope diameters beyond the last wrap.

55.19-12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

WIRE ROPE

55.19-20 The United States of America Standards Institute specifications cited in "Wire Rope for Mines," M11.1-1960, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

55.19-21 *Mandatory-OPAC*. The following static-load safety factors shall be used for selecting ropes to be used for hoisting men

and for determining when such ropes shall be removed from man hoists:

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less	8	6.4
501 to 1,000	7	5.8
1,001 to 2,000	6	5.0
2,001 to 3,000	5	4.3
3,001 or more	4	3.6

55.19-22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

55.19-23 The end of the rope at the drum should make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and should be fastened securely by means of rope clips or clamps. This provision does not apply to friction hoists.

55.19-24 *Mandatory-OPAC*. The rope shall be attached to the load by the thimble and clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of Babbitt metal or lead for socketing wire ropes is prohibited. If the thimble and clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

The U-bolt of each clip shall encircle the short or "dead" end of the rope and the distance between clips shall not be less than the figures given in the accompanying table.

(c) The following number of clips or equivalent shall be used for various diameters of six-strand 19-wire plow steel ropes: (Follow manufacturer's recommendations for other kinds of wire rope and clips.)

Diameter of rope, inches	Number of clips	Center-to-center spacing of clips, inches
3/4	4	4 1/2
7/8	4	5 1/2
1	4	6
1 1/4	5	6 3/4
1 1/2	5	7 1/2
1 3/4	6	8 1/4
1 7/8	6	9
2	6	9 3/4
2 1/4	7	10 1/2
2 1/2	8	11 1/4
2 3/4	8	12
3	8	13
3 1/4	8	14

(d) For all ropes less than three-quarter inch in diameter, at least four clips or equivalent shall be used.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in these regulations.

55.19-25 New ropes should be broken in, in accordance with the manufacturer's recommendations.

55.19-26 Corrosion of hoist ropes at the attachment of safety connections should be minimized by the design of the attachment devices and by lubrication.

55.19-27 Where possible, conveyances attached to single ropes used to hoist men should be provided with secondary safety connections.

HEADFRAMES AND SHEAVES

55.19-35 Headframes should be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

55.19-36 Headframes should be high enough to provide at least 15 feet of clearance between the bottom of the sheave or drum and the uppermost part of the highest rope connection of the conveyance when the conveyance is at its uppermost man landing.

55.19-37 Fleet angles should not exceed 1½ degrees.

55.19-38 **Mandatory-OPAC.** Platforms with toeboards and handrails shall be provided around elevated head sheaves.

55.19-39 Diameters of head sheaves and hoist drums should conform to the following specifications:

Rope construction	Diameter of sheave and drum	
	Recommended (times rope diameter)	Minimum (times rope diameter)
6x7 classification.....	72	42
6x19.....	45	30
6x37.....	27	18
6x25 type B, flattened strand.....	45	30
6x27 type H, flattened strand.....	45	30
6x30 type G, flattened strand.....	45	30
18x7 classification.....	51	34

55.19-40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where necessary machined to the proper contour and the proper groove diameter.

CONVEYANCES

55.19-45 **Mandatory-OPAC.** Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any incline shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

55.19-46 **Mandatory.** Man cages shall be fireproof, of substantial construction and provided with:

(a) Fully enclosed sides, and safety gates; gates shall be at least 5 feet high and have no openings except those necessary for signaling;

(b) Escape hatches;

(c) Safety catches. This provision (c) does not apply to friction-hoist cages that are suspended from more than one pin.

55.19-47 **Mandatory.** All skips conveying men shall be provided with:

(a) Safety catches. This provision (a), does not apply to friction-hoists skips that are suspended from more than one pin.

(b) Safe means of access.

(c) Platforms, where necessary, to provide safe footing.

(d) Stop controls to prevent travel into the dumping position.

(e) Anchored platforms inside the skips, if they are bottom-dumping.

(f) Devices to prevent tilting.

55.19-48 **Mandatory.** Man cars shall be of substantial construction and provided with:

(a) Drags or equivalent safety devices on the last car of man trips operated in inclined shafts where guides are not provided.

(b) Safety catches if guides are provided.

(c) Secondary safety connections where possible.

(d) Safety chains or wire ropes between cars.

(e) Adequate seating for the number of men handled.

55.19-49 **Mandatory-OPAC.** Buckets used to hoist men during shaft sinking operation shall have:

(a) Crossheads equipped with safety catches and protective bonnets when the shaft depth exceeds 50 feet.

(b) Devices to prevent accidental dumping.

(c) Sufficient depth to transport men safely in a standing position.

HOISTING PROCEDURES

55.19-55 **Mandatory-OPAC.** When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

55.19-56 When automatic hoisting is used, a qualified hoistman should be in attendance on the premises while any person is underground.

55.19-57 Hoistmen should be physically fit and should undergo yearly examinations to determine their continued fitness; certification to this effect should be available at the mine.

55.19-58 **Mandatory-OPAC.** Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

55.19-59 **Mandatory-OPAC.** Whenever a regular shift of men is being hoisted or lowered by a manually operated hoist, a second man familiar with and qualified to stop the hoist shall be in attendance; this provision shall not apply to sinking operations, level development, or repair operations in the mine.

55.19-60 Hoistmen should use extreme caution when hoisting or lowering men.

55.19-61 The safe speed should be determined for each shaft; in no instance should this speed exceed 2,500 feet per minute for hoisting men.

55.19-62 Maximum acceleration and deceleration should not exceed 6 feet per second.

55.19-63 Only authorized personnel should be in hoist rooms.

55.19-64 Conveyances intended to be operated in balance should not be balanced when men are on the cage.

55.19-65 **Mandatory-OPAC.** Conveyances shall not be lowered by the brakes alone except during emergencies.

55.19-66 Management should designate the maximum number of men permitted to ride on a trip at one time; this limit should be posted on each landing.

55.19-67 Authorized persons should be in charge of all man trips.

55.19-68 Men should enter, ride, and leave conveyances in an orderly manner.

55.19-69 **Mandatory-OPAC.** Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

55.19-70 **Mandatory-OPAC.** Cage doors or gates shall be closed while men are being hoisted; they shall not be opened until the cage has come to a stop.

55.19-71 **Mandatory-OPAC.** Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small hand tools.

55.19-72 When combinations of cages and skips are used, the skips should be empty while men are being transported.

55.19-73 **Mandatory-OPAC.** Rock or supplies shall not be hoisted in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

55.19-74 Men should not ride the ball, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

55.19-75 **Mandatory-OPAC.** Open hooks shall not be used to hoist buckets or other conveyances.

55.19-76 When men are hoisted, bucket speeds should not exceed 500 feet a minute, and should not exceed 200 feet a minute when within 100 feet of a landing.

55.19-77 **Mandatory-OPAC.** Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

55.19-78 Buckets should be stopped after being raised 3 feet when men are hoisted

from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bellicord should be attended constantly until the crosshead has been engaged.

55.19-79 **Mandatory-OPAC.** Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

55.19-80 **Mandatory-OPAC.** When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

55.19-81 Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

SIGNALING

55.19-90 **Mandatory-OPAC.** There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

55.19-91 Hoistmen should not accept hoisting instructions by telephone unless the regular signaling systems are out of order. During such an emergency one person should be designated to direct movement of the conveyance.

55.19-92 A method should be provided to signal hoist operators from within conveyances at any point in the shaft.

55.19-93 A standard code of hoisting signals should be adopted and used at each mine.

55.19-94 **Mandatory-OPAC.** A legible signal code shall be posted prominently in the hoist house within easy view of the hoistman, and at each place where signals are given or received.

55.19-95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

55.19-96 **Mandatory-OPAC.** Any person responsible for receiving or giving signals for cages, skips, and mantrips when men or materials are being transported shall be familiar with the posted signaling code.

SHAFTS

55.19-105 **Mandatory-OPAC.** Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

55.19-106 **Mandatory-OPAC.** Positive stop-blocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

55.19-107 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

55.19-108 Dumping facilities should be so constructed as to minimize spillage into the shaft.

55.19-109 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

55.19-110 **Mandatory-OPAC.** A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft.

55.19-111 Shaft timbers should be kept clean of rocks and other loose material.

55.19-112 **Mandatory-OPAC.** Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the hoist.

55.19-113 "Men Working in Shaft" signs should be posted at the signal devices at all active stations and landings when men are working in a compartment affected by that hoisting operation.

55.19-114 **Mandatory.** Shaft inspection and repair work shall be performed from

substantial platforms equipped with bonnets or equivalent overhead protection.

55.19-115 *Mandatory-OPAC*. A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

55.19-116 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.

INSPECTION AND MAINTENANCE

55.19-125 *Mandatory-OPAC*. A systematic procedure of inspection, testing, and maintenance of shafts and hoisting equipment shall be developed and followed. If it is found or suspected that any part is not functioning properly, the hoist shall not be used until the malfunction has been located and repaired or adjustments have been made.

55.19-126 Complete records should be kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.

PROPOSED RULE MAKING

55.19-127 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.

55.19-128 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

55.19-129 Ropes should be cut off and reconnected to the conveyance as often as necessary to assure adequate inspection of rope condition and to effectively distribute wear of the rope. At least 6 feet should be cut from the rope above the highest connection; this portion should be examined carefully for corrosion, damage, wear, and fatigue by the rope manufacturer or an equally competent agency.

55.19-130 Hoisting ropes wound in multiple layers should be cut off and repositioned on the drum at regular intervals as necessary to effectively distribute wear of the rope. The length of the cutoff at the drum end should be greater than, but not an even multiple of, the circumference of the drum.

55.19-131 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

- (a) Immediately above the socket or clips and above the safety connection;
- (b) Where the ropes rest on the sheaves;
- (c) Where the ropes leave the drums when the conveyances are at the regular stopping points;
- (d) Where a layer of rope begins to overlap another layer on the drum.

55.19-132 Electromagnetic or other non-destructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspections and tests.

55.19-133 *Mandatory-OPAC*. Ropes shall not be used for hoisting when they have:

- (a) More than six broken wires in any lay;
- (b) Crown wires worn to less than 65 percent of the original diameter;
- (c) A marked amount of corrosion or distortion;
- (d) A combination of similar factors individually less severe than those above but which in aggregate might create an unsafe condition.

55.19-134 *Mandatory*. Hoistmen shall examine their hoist and shall test overtravel, overspeed, and deadman controls, position indicators and braking mechanisms at the beginning of each shift.

55.19-135 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

55.19-136 Rope and conveyance connections to conveyances should be inspected daily.

55.19-137 Safety catches should be in-

spected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

55.19-138 Shafts should be inspected at least weekly.

55.19-139 Sheaves should be inspected daily and kept properly lubricated.

55.19-140 Rollers used in inclined shafts should be lubricated, properly aligned, and kept in good repair.

§ 55.20 Miscellaneous.

55.20-1 *Mandatory-OPAC*. Intoxicating beverages and narcotics shall not be permitted or used in or around mines. Persons under the influence of alcohol or narcotics shall not be permitted on the job.

55.20-2 *Mandatory-OPAC*. Potable water shall be available to all employees during working hours.

55.20-3 Good housekeeping should be practiced in and around a mine.

55.20-4 Men should not engage in horseplay.

55.20-5 *Mandatory-OPAC*. Carbontetrachloride shall not be used.

55.20-6 Protruding nails which may cause injury should be removed or completely bent over.

55.20-7 Employees should be constantly alert to the potential of accidents on their jobs.

55.20-8 Toilet facilities should be provided at convenient locations and should be kept clean and sanitary.

55.20-9 *Mandatory-OPAC*. Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

55.20-10 *Mandatory-OPAC*. If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and inspected at regular intervals.

§ 55.21 Savings provision.

55.21-1 Unless otherwise specified herein, nothing contained in these standards shall prevent the continued utilization of equipment, facilities, or structures, including mine workings, now in use, which fall in whole or in part to meet the requirements of these standards, *Provided*:

- (a) That such equipment, facilities, and structures are utilized in a safe manner and are maintained in safe condition.
- (b) That any equipment, facilities and structures which do not meet the mandatory specifications and safety standards set forth herein shall not be used after January 1, 1972, unless modified to conform to such standards.
- (c) That all replacements of or additions to existing equipment, facilities, or structures made after the effective date of these standards shall conform to such standards.

55.21-2 Nothing contained in § 55.21-1 above, shall be construed to conflict with, or limit, the authority granted by the Act to the Bureau to issue orders pursuant to section 8(a) of the Act.

55.21-3 Nothing contained in § 55.21-1 above, shall be construed to limit or conflict with any standards contained herein which prohibit specific unsafe work procedures or which require specific safe work procedures to be followed.

[F.R. Doc. 69-476; Filed, Jan. 15, 1969; 8:45 a.m.]

[30 CFR Part 56]

SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721-740, Supp. III) to promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in metal and nonmetallic mines, it is proposed to add a new Part 56 to

Title 30, Code of Federal Regulations, relating to sand, gravel, and crushed stone operations. The standards set forth in Part 56 have been developed in conjunction with the Sand and Gravel and Crushed Stone Operations Advisory Committee appointed pursuant to section 7 of the Act.

Scope. The standards set forth in Part 56 would be applicable to operations at which sand, gravel, or crushed stone is recovered by surface-mining methods. The regulations in Part 56 would not be applicable to the surface mining of metal and nonmetallic minerals other than sand, gravel, and crushed stone or to the underground mining of metal and nonmetallic minerals; these mines would be covered by standards set forth in new Parts 55 and 57 of Title 30, Code of Federal Regulation.

Specific designation of mandatory standards. Each standard which would be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Sand, Gravel, and Crushed Stone Operations Advisory Committee has recommended that a standard be mandatory, the standard will be preceded by the word "Mandatory" and the letters "SGCS" in this manner—"Mandatory—SGCS."

In accordance with the provision of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) interested persons are hereby afforded a period of 60 days after the date of publication in the FEDERAL REGISTER of proposed Part 56 in which to submit written data, views, or arguments respecting the proposed standards contained in Part 56. Communications should be addressed to the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Subject to the provision of subsection (e) of section 6 and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)) on or before the last day of the 60-day period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Sand and Gravel and Crushed Stone Operations Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended as mandatory by the Sand and Gravel and Crushed Stone Operations Advisory Committee are not subject to hearings. Only those proposed standards which have not been recommended by the Sand and Gravel and Crushed Stone Operations Advisory Committee as mandatory are subject to hearings.

The new proposed Part 56 is set forth below.

DAVID S. BLACK,

Under Secretary of the Interior.

JANUARY 9, 1969.

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§ 56.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for sand, gravel, and crushed stone operations which are subject to the act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the act (30 U.S.C. 727).

§ 56.2 Definitions.

As used in this part:

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Barricaded" means obstructed to prevent the passage of persons, vehicles, or flying materials.

"Berm" means a pile or mound of material capable of stopping a vehicle.

"Blasting agent" means any material or mixture of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients is classified as an explosive (provided that the material or mixture cannot be detonated by a No. 8 test blasting cap under the conditions specified for the cap sensitivity test).

"Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

"Blasting caps" means a detonator containing a charge of detonating compound, which is ignited by electric current or the spark of a fuse. Used for detonating explosives.

"Blasting circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter.

"Blasting switch" means a switch used to connect a power source to a blasting circuit.

"Capped fuse" means a length of safety fuse to which a detonator has been attached.

"Combustible" means capable of being ignited and consumed by fire.

"Company official" means a member of the company supervisory or technical staff.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating fuse" means a round flexible cord containing a center core of high explosives.

"Detonator" means a device used for detonating an explosive, including, but not limited to, blasting caps, exploders, percussion caps, primers, electric detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feed line, each cable circuit being connected through individual overcurrent protective devices.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect with the ground to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to black powder, dynamite, nitro-

glycerin, nitroglycerin compounds, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flammable Liquid" means liquid having a flash point below 140° F and having a vapor pressure not exceeding 40 p.s.i. (absolute) at 100° F.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley, or public road.

"High potential" means more than 650 volts.

"Hoist" means a power driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

"Incline" means any inclined plane, whether above or beneath the surface.

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Low potential" means 650 volts or less.

"Magazine" means a storage place for explosives of detonators.

"Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution or conversion of electrical power.

"Manlift" means a power-driven vertical belt having regularly spaced steps which can be boarded by man and used to travel from one elevation to another.

"Man trip" means a trip on which men are transported to and from a work area.

"Mill" includes any ore mill, sampling, works, concentrator, and any crushing, grinding, or screening plant used at, and in connection with, an excavation or mine.

"Misfire" means the complete or partial failure of a blasting charge to explode as planned.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

"Permissible" means a machine, material, apparatus, or device which has been investigated, tested, and approved by the Bureau of Mines, and maintained in permissible condition.

"Potable" means fit for drinking.

"Primer" means a package or cartridge of explosives with a detonator.

"Reverse-current protection" means a method or device used on direct-current circuits or equipment to prevent the flow of current in the reverse direction.

"Roll protection" means a framework safety canopy or similar protection for the operator when equipment overturns.

"Safety can" means an approved container, of not over five gallons capacity, having a spring-closing lid and spout cover.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and waterproofing compounds, which burns at a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety switch" means a sectionalizing switch that also provides short circuit protection in blasting circuits between the blasting switch and the shot area.

"Scaling" means removal of insecure material from a face or highwall.

"Secondary safety connection" means a second connection between a conveyance and rope, intended to prevent the conveyance from running away or falling in the event the primary connection fails.

"Semiconductive hose" means hose having an electrical resistance of not less than 5,000 ohms per foot and not more than 2 megohms for its total length, used in pneumatic placement of blasting agents in boreholes.

"Shaft" means a vertical or inclined shaft; a slope, incline or winze.

"Sprung hole" means a blasting hole chambered or enlarged to take an increased charge of explosives.

"Stemming" means the inert material, and the placing of such material, on top of a charge of explosives.

"Stray current" means that portion of a total electric current that flows through paths other than the intended circuit.

"Substantial construction" means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, usage, and deterioration to which it will be subjected.

"Suitable" means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

"Threshold limit values" refers to airborne concentrations of substances and represent conditions under which it is believed that nearly all workers may be repeatedly exposed for a full shift, day after day, without adverse effect.

"Travelway" means a passage, walk or way regularly used and designated for persons to go from one place to another.

"Trip light" means a light displayed on the opposite end of a train from the locomotive or engine.

"Wet drilling" means the continuous application of water through the central hole of hollow drill steel to the bottom of the drill hole.

"Working place" means any place in or about a mine where work is being performed.

§ 56.3 Ground control.

56.3-1 *Mandatory-SGCS.* Standards acceptable to the Secretary for the safe control of pit walls, including the overall slope of the pit wall, shall be established and followed by the operator. Such standards shall be consistent with prudent engineering design, the nature of the ground and the kind of material and mineral mined, and the ensuring of safe working conditions according to the degree of slope. Mining methods shall be selected which will ensure wall and bank stability, including benching as necessary to obtain a safe overall slope.

56.3-2 *Mandatory-SGCS.* Loose unconsolidated material shall be stripped for a safe distance, but in no case less than 10 feet, from the top of pit or quarry walls, and the loose unconsolidated material shall be sloped to the angle of repose.

56.3-3 *Mandatory-SGCS.* To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

56.3-4 *Mandatory-SGCS.* Safe means for scaling pit banks shall be provided. Where power shovels are used for scaling, banks shall be limited to heights that can be scaled with the shovel buckets. Exposed bank areas shall be scaled before any other work is performed in the exposed bank area.

56.3-5 *Mandatory-SGCS.* Men shall not work near or under dangerous banks. Overhanging banks shall be taken down immediately and other unsafe ground conditions shall be corrected promptly, or the areas shall be barricaded and posted.

56.3-6 *Mandatory-SGCS*. Men shall approach loose rock and areas to be scaled from above and shall scale from a safe location.

56.3-7 Baffleboards, screens, cribbing, or other suitable means should be provided to prevent movement of material into cuts developed into steep hillsides.

56.3-8 *Mandatory-SGCS*. The supervisor, or a competent person designated by him, shall examine working areas and faces for unsafe conditions at least at the beginning of each shift and after blasting. Any unsafe condition found shall be corrected before any further work is performed at the immediate area or face at which the unsafe condition exists.

56.3-9 *Mandatory-SGCS*. Men shall examine their working places before starting work and frequently thereafter and any unsafe condition shall be corrected.

56.3-10 Banks, benches, and terrain sloping into the working areas should be examined after every rain, freeze, or thaw before men work in such areas.

56.3-11 Large boulders requiring secondary blasting should be in a safe location before they are drilled or broken.

56.3-12 *Mandatory-SGCS*. Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape from falls or slides of the bank.

56.3-13 Rock-bolt installations, where used, should be in accordance with recommendations of the Bureau of Mines or other competent agency.

§ 56.4 Fire prevention and control.

56.4-1 *Mandatory-SGCS*. No person shall smoke or use an open flame where oil, grease, flammable solvents, liquids, fluids, or other flammable materials are stored, transported, handled, or used, nor within an unsafe distance of any area or place where such practices may cause a fire or explosion.

56.4-2 *Mandatory-SGCS*. Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fires or explosion hazards exist.

56.4-3 Areas surrounding flammable-liquid storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 25 feet in all directions.

56.4-4 *Mandatory*. Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.

56.4-5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

56.4-6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well ventilated.

56.4-7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.

56.4-8 *Mandatory-SGCS*. Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

56.4-9 *Mandatory-SGCS*. All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.

56.4-10 *Mandatory-SGCS*. Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

56.4-11 *Mandatory-SGCS*. Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

56.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

56.4-13 Materials, such as oily waste and rags, which are subject to spontaneous combustion should be placed in tightly covered metal containers until disposed of properly.

56.4-14 *Mandatory-SGCS*. Solvents with flashpoints lower than 100° F. (38° C.) shall not be used for cleaning.

56.4-15 *Mandatory-SGCS*. Solvents shall not be used near an open flame or other ignition source, or near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flashpoint.

56.4-16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.

56.4-17 Floors around drip pans should be covered with sand or other suitable non-combustible material and such sand or material should be replaced as necessary.

56.4-18 *Mandatory-SGCS*. Oxygen cylinders shall not be stored near oil or grease.

56.4-19 *Mandatory-SGCS*. Gauges and regulators used with oxygen or acetylene cylinders shall be kept clean and free of oil and grease.

56.4-20 *Mandatory-SGCS*. Battery-charging stations shall be located in well ventilated areas.

56.4-21 *Mandatory-SGCS*. Internal combustion engines, except diesels, shall be shut off and stopped before being fueled.

56.4-22 *Mandatory-SGCS*. Each mine shall have available or be provided with suitable firefighting equipment adequate for the size of the mine.

56.4-23 *Mandatory-SGCS*. Firefighting equipment shall be strategically located readily accessible, plainly marked, properly maintained, and inspected periodically. Records shall be kept of such inspections.

56.4-24 Fire extinguishers should be:

(a) Of the appropriate type for the particular fire hazard involved;

(b) Adequate in number and size for the particular fire hazard involved;

(c) Replaced immediately with fully charged extinguishers after any discharge is made from the extinguisher;

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations;

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Bureau of Mines.

56.4-25 Fire hydrants should be:

(a) Of a standard type to fit the hose equipment of local fire departments. Adapters should be provided if necessary.

(b) Provided with readily available wrenches or keys to open the valves.

56.4-26 Water pipes, valves, outlets, hydrants, and hoses designed for firefighting purposes should be inspected and tested every 3 months.

56.4-27 Suitable fire extinguishers should be provided on self-propelled mobile equipment with enclosed cabs.

56.4-28 Suitable fire extinguishers should be an integral part of portable cutting and welding equipment.

56.4-29 *Mandatory-SGCS*. When welding or cutting near combustible materials, suitable precautions shall be taken to insure that smoldering metal or sparks do not result in a fire.

56.4-30 Employees should be trained in the use of firefighting equipment.

56.4-31 A firefighting organization should be established, equipped, and trained in firefighting; drills should be held at least twice a year.

56.4-32 All employees should be instructed on current escape and evacuation plans, fire-alarm signals, and applicable procedures to be followed in case of fire.

56.4-33 Fire-alarm systems adequate to

warn all employees should be provided and maintained in operating condition.

56.4-34 Two exits should be provided where men work or congregate.

56.4-35 *Mandatory-SGCS*. Valves on oxygen and acetylene tanks shall be kept closed when the contents are not being used.

56.4-36 Belt conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

§ 56.5 Air quality.

56.5-1 *Mandatory-SGCS*. Where airborne concentrations of dust, gas, mist, and fumes are encountered which exceed threshold limit values adopted by the American Conference of Governmental Hygienists, and persons are exposed to such concentrations, control measures shall be adopted to maintain concentrations below such threshold limit values.

56.5-2 *Mandatory-SGCS*. Dust, gas, mist, and fumes surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.

56.5-3 *Mandatory-SGCS*. Atmospheres where persons work (including equipment cabs) shall contain:

(a) At least 20 percent oxygen;

(b) Not more than 0.005 percent carbon monoxide, 0.5 percent carbon dioxide, and five parts per million nitrogen dioxide or other threshold limit values for these gases adopted by the American Conference of Governmental Industrial Hygienists;

(c) No harmful quantities of other gases, fumes, or mists as determined by threshold limit values established by the American Conference of Governmental Industrial Hygienists.

56.5-4 *Mandatory-SGCS*. Holes shall be collared and drilled wet, or other efficient dust control measures shall be used when drilling non-water-soluble materials. Efficient dust control measures shall be used when drilling water-soluble materials.

56.5-5 Muck piles, haulage roads, rock transfer points, crushers, and other points where dust is produced should be wet down at the beginning of the shift and thereafter as necessary, unless dust is controlled adequately by other methods.

56.5-6 *Mandatory-SGCS*. Bureau of Mines approved respirators shall be worn for protection against short-term exposures to concentrations of substances in excess of threshold limit values. Where a concentration of a substance is encountered for which a respirator has not been approved by the Bureau of Mines, respirators developed and tested by an agency or organization acceptable to the Bureau shall be used. Where an approved or acceptable respirator is not available, no person shall enter or be exposed to concentrations in excess of threshold limit values. Except as provided in this section, use of respirators shall not be substituted for regular control measures.

§ 56.6 Explosives.

STORAGE

56.6-1 *Mandatory-SGCS*. Detonators, explosives, and blasting agents shall be stored in magazines.

56.6-2 *Mandatory-SGCS*. Separate magazines shall be provided for the storage of detonators and explosives.

56.6-3 *Mandatory-SGCS*. Detonators shall not be stored in the same magazine with explosives or blasting agents.

56.6-4 Blasting agents, safety fuse, or detonating fuse may be stored with explosives.

56.6-5 *Mandatory-SGCS*. Magazines shall be:

(a) Located in accordance with the current American table of distances for storage of explosives;

(b) Detached structures located away from powerlines, fuel storage areas, and other possible sources of fire;

(c) Constructed substantially of non-combustible material or covered with fire-resistant material;

(d) Reasonably bullet resistant;

(e) Electrically bonded and grounded if constructed of metal;

(f) Made of nonsparking materials on the inside, including floors;

(g) Provided with adequate and effectively screened ventilation openings near the floor and ceiling;

(h) Kept locked securely when unattended;

(i) Posted with suitable danger signs so located that a bullet passing through the face of a sign will not strike the magazine;

(j) Used exclusively for storage of blasting agents, explosives, or detonators and kept free of all extraneous materials;

(k) Kept clean and dry in the interior, and in good repair;

(l) Unheated, unless heated in a manner that does not create a fire or explosion hazard. Electrical heating devices shall not be used inside a magazine.

56.6-6 Mandatory-SGCS. Only enclosed and gasketed fixtures and wiring in conduit shall be used inside magazines that are illuminated electrically.

56.6-7 Mandatory-SGCS. Electric switches shall be outside the magazines.

56.6-8 Areas surrounding magazines for not less than 25 feet in all directions should be kept free of rubbish and other combustibles.

56.6-9 Mandatory-SGCS. Smoking and open flames shall not be permitted within 25 feet of explosives and detonator-storage magazines.

56.6-10 Cases of explosives should be stored in such a manner to assure the use of the oldest stock first.

56.6-11 Mandatory-SGCS. Ammonium nitrate fuel-oil mixtures shall be physically separated from dynamite stored in the same magazine and in such a manner that oil does not contaminate the dynamite.

56.6-12 Cases of explosives should not be stored on their ends or sides.

56.6-13 Cases of explosives should not be stacked more than 6 feet high.

TRANSPORTATION

56.6-20 Mandatory-SGCS. Explosives and detonators shall be transported in separate vehicles unless separated by 4 inches of hardwood or the equivalent.

56.6-21 Mandatory-SGCS. When explosives and detonators are hauled by trolley locomotive, covered electrically insulated cars shall be used.

56.6-22 Mandatory-SGCS. Self-propelled vehicles used to transport explosives or detonators shall be equipped with suitable fire extinguishers.

56.6-23 Mandatory-SGCS. Vehicles containing explosives or detonators shall be posted with proper warning signs.

56.6-24 Mandatory-SGCS. When vehicles containing explosives or detonators are parked, the brakes shall be set, the motive power shut off, and the vehicles shall be blocked securely against rolling.

56.6-25 Mandatory-SGCS. Vehicles containing explosives or detonators shall not be left unattended except in blasting areas where loading or charging is in progress.

56.6-26 Vehicles containing explosives or detonators should not be taken to a repair garage or shop for any purpose.

56.6-27 Mandatory-SGCS. Vehicles containing explosives or detonators shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

56.6-28 Mandatory-SGCS. Vehicles used to transport explosives other than anfo mixtures, shall have substantially constructed bodies, no sparking metal exposed in the cargo space, and shall be equipped with suitable sides and tail gates; explosives shall not be piled higher than the side or end enclosures.

56.6-29 Explosives should be transported at times and over routes that expose a minimum number of persons.

56.6-30 Explosives or detonators in open-bodied vehicles should be covered with fire and water retardant materials.

56.6-31 Mandatory-SGCS. Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives or detonators.

56.6-32 Mandatory-SGCS. Explosives or detonators shall not be transported on locomotives.

56.6-33 Mandatory-SGCS. No person shall smoke while transporting or handling explosives or detonators.

56.6-34 Mandatory-SGCS. Only the necessary attendants shall ride on or in vehicles containing explosives or detonators.

56.6-35 Mandatory-SGCS. Explosives or detonators shall not be transported on man trips.

56.6-36 Explosives should be transported promptly without undue delays in transit.

56.6-37 Mandatory-SGCS. Nonconductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.

56.6-38 Mandatory-SGCS. Substantial nonconductive closed containers shall be used to carry explosives to blasting sites.

USE

56.6-45 Mandatory-SGCS. Persons who use explosives, blasting agents, or detonators shall be experienced men who understand the hazards involved; trainees shall do such work only under the supervision of and in the immediate presence of experienced men.

56.6-46 Blasting operations should be under the direct control of authorized persons.

56.6-47 Mandatory-SGCS. Damaged or deteriorated explosives, blasting agents, and detonators shall be destroyed in a safe manner.

56.6-48 Mandatory-SGCS. Explosives or detonators shall not be taken to the face or the immediate vicinity of the blasting site until all other work has been completed.

56.6-49 Mandatory-SGCS. Holes to be blasted shall be charged as near to blasting time as practical and such holes shall be blasted as soon as possible after charging has been completed. In no case shall the time elapsing between the completion or charging to the time of blasting exceed 72 hours unless prior approval has been obtained from the Bureau of Mines.

56.6-50 Mandatory-SGCS. No person shall smoke within 25 feet of explosives, blasting agents, or detonators.

56.6-51 Mandatory-SGCS. Explosives and blasting agents shall be kept separated from detonators until charging is started.

56.6-52 Mandatory-SGCS. Primers shall be made up at the time of charging and as close to the blasting site as conditions allow.

56.6-53 Primers should be prepared so that the detonator is contained securely along the centerline of the explosives cartridge.

56.6-54 Mandatory-SGCS. Only wooden or other nonsparking implements shall be used to punch holes in explosives cartridges.

56.6-55 Mandatory-SGCS. Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.

56.6-56 No tamping should be done directly on primer cartridges.

56.6-57 Mandatory-SGCS. Unused explosives and detonators shall be moved to a safe location as soon as charging operations are completed.

56.6-58 Mandatory-SGCS. Areas in which charged operations are completed.

56.6-59 Mandatory-SGCS. Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from areas endangered by the blast.

56.6-60 Mandatory-SGCS. Sufficient blasting

shelters shall be provided to protect all men endangered by fly rock from blasting.

56.6-61 Mandatory-SGCS. When safety fuse has been used, men shall not return to misfired holes for at least 30 minutes.

56.6-62 Mandatory-SGCS. When electric blasting caps have been used, men shall not return to misfired holes for at least 15 minutes.

56.6-63 Faces and muckpiles should be examined for undetonated explosives after each blast and undetonated explosives found should be disposed safely.

56.6-64 Mandatory-SGCS. Misfires shall be reported to the proper supervisor and shall be disposed of safely before any other work is performed in that blasting area.

56.6-65 Blast holes in "hot-hole" areas and holes that have been sprung should not be charged before tests have been made to ensure that the heat has been dissipated to a safe extent.

56.6-66 If explosives are suspected of burning in a hole, all persons in the endangered area should be moved to a safe location until the danger has passed.

56.6-67 Mandatory-SGCS. Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

56.6-68 Mandatory-SGCS. Fuse and igniters shall be stored in a cool, dry place away from oils or grease.

56.6-69 Fuse should not be kinked, bent sharply, or handled roughly.

56.6-70 Mandatory-SGCS. Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

56.6-71 Mandatory-SGCS. Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

56.6-72 Mandatory-SGCS. The burning rate of the fuse shall be posted in the fuse-capping station in a conspicuous location such that the burning rate will be brought to the attention of all men concerned with blasting.

56.6-73 Mandatory-SGCS. Fuses less than 48 inches long shall not be used.

56.6-74 Mandatory-SGCS. At least two men shall be present when lighting fuses, and no man shall light more than 15 individual fuses. If more than 15 holes per man are to be fired, igniter cord and connectors or electric blasting shall be used.

56.6-75 A safe interval of time should be allowed to light a round and evacuate the blasting area.

56.6-76 Mandatory-SGCS. Fuse shall be ignited with hot-wire lighters, lead spitters, igniter cord, or other such devices designed for this purpose.

56.6-77 Mandatory-SGCS. Fuse shall not be ignited before the primer and the entire charge are securely in place.

56.6-78 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.

56.6-79 Electric detonators of different brands should not be used in the same round.

56.6-80 Mandatory-SGCS. Electric detonators shall remain shunted until they are being wired into the blasting circuit. Lead lines and wired rounds shall be kept shunted until immediately before blasting.

56.6-81 Completely wired rounds should be tested with a blasting galvanometer before connections are made to the blasting line.

56.6-82 Mandatory-SGCS. Lead wires and blasting lines shall not be strung across power conductors, pipelines, railroad tracks, or within 20 feet of bare powerlines. They shall be protected from sources of static or other electrical contact.

56.6-83 Mandatory-SGCS. Permanent blasting lines shall be properly supported, insulated, and kept in good repair.

56.6-84 Mandatory-SGCS. Charging shall be stopped immediately when the presence of static electricity or stray current is detected; the condition shall be remedied before charging is resumed.

56.6-85 Mandatory-SGCS. Charging shall be suspended in surface mining, shaft sink-

ing, and tunneling and men withdrawn to a safe location upon the approach of an electrical storm.

56.6-86 Mandatory-SGCS. If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

56.6-87 Mandatory-SGCS. Safety switches and blasting switches shall be labeled, encased in boxes, and arranged so that the covers of the boxes cannot be closed with the switches in closed position.

56.6-88 Mandatory-SGCS. Blasting switches shall be locked in the open position, except when closed to fire the blast. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

56.6-89 Mandatory-SGCS. The key to a blasting switch shall be entrusted only to the person designated to fire blasts.

56.6-90 Mandatory-SGCS. Electric circuits from the blasting switches to the blast area shall not be grounded.

56.6-91 At least a 5-foot air gap should be provided between the blasting circuit and the power circuit.

56.6-92 Mandatory-SGCS. Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before explosives are brought into the area; the power shall not be turned on again until after the shots are fired.

56.6-93 Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

56.6-94 Mandatory. The double trunkline or loop system shall be used in detonating-cord blasting.

56.6-95 Mandatory-SGCS. The trunkline, in multiple row blasts, shall make one or more complete loops, with crosspieces between loops at intervals of not over 200 feet.

56.6-96 Mandatory. All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunkline.

56.6-97 Delay connectors for firing detonating cord should be treated and handled with the same safety precautions as blasting caps and electric detonators.

56.6-98 Detonating cord should not be kinked, bent, or otherwise handled in such a manner that the train of detonation may be interrupted.

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

56.6-110 If sensitized ammonium nitrate blasting agents are not purchased pre-mixed, all procedures concerning storage of components and the final product, mixing, and transportation should be in accordance with Bureau of Mines Information Circular 8179, "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," or subsequent revisions.

56.6-111 Mandatory. In the use of sensitized ammonium nitrate mixtures and blasting agents the same precautions shall be taken as for high explosives.

56.6-112 Adequate priming should be employed to guard against misfires, increased toxic fumes, and poor performance.

56.6-113 Mandatory-SGCS. When pneumatic loading is employed, before any type of blasting operation using blasting agents is put into effect, an evaluation of the potential hazard of static electricity shall be made. Adequate steps, including the grounding and loading of the conductive parts of pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before blasting agent use is commenced.

56.6-114 Mandatory-SGCS. Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.

56.5-115 Mandatory. Hoses used in connection with pneumatic loading machines shall be of the semiconductive type, having a total resistance low enough to permit the

dissipation of static electricity and high enough to limit the flow of stray electric currents to a safe level. Wire-countered hose shall not be used because of the potential hazard from stray electrical currents.

56.6-116 Reasonable precautions should be exercised to exclude moisture from blasting agents other than slurries. Water should be removed from holes before holes are charged. If water continues to flow into boreholes, sensitized ammonium nitrate should not be used.

56.6-117 Mandatory-SGCS. Plastic tubes shall not be used to protect pneumatically loaded blasting agent charges against water unless a positive grounding system is provided to drain electrostatic charges from the hole.

§ 56.7 Drilling.

56.7-1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

56.7-2 Mandatory-SGCS. Equipment defects affecting safety shall be corrected before the equipment is used.

56.7-3 Mandatory-SGCS. The drilling area shall be inspected for hazards before starting the drilling operations.

56.7-4 Mandatory-SGCS. Men shall not be on the mast while the drill is in operation.

56.7-5 Mandatory-SGCS. Drill crews and others shall stay clear of augers or drill stems that are in motion. Persons shall not pass under or step over a moving stem or auger.

56.7-6 Receptacles or racks should be provided for drill steel stored on drills.

56.7-7 Tools and other objects should not be left loose on the mast or drill platform.

56.7-8 Mandatory-SGCS. When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast placed in a safe position.

56.7-9 The drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.

56.7-10 Mandatory-SGCS. In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

56.7-11 Mandatory-SGCS. The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on reel.

56.7-12 Mandatory-SGCS. While in operation, drills shall be attended at all times.

56.7-13 Mandatory-SGCS. Drill holes large enough to constitute a hazard shall be covered or guarded.

56.7-14 Men operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

56.7-15 Men should not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

56.7-16 Bit wrenches or bit knockers should be used to remove detachable bits from drill steel.

56.7-17 Starter steels should be used when collaring holes with hand-held or feed-leg drills.

56.7-18 Mandatory-SGCS. Men shall not hold the drill steel while collaring holes, or rest their hands on the chuck or centralizer while drilling.

56.7-19 Air should be turned off and bled from the hose before hand-held drills are moved from one working area to another.

§ 56.8 Rotary jet piercing.

56.8-1 Jet drills should be provided with:

(a) A system to pressurize operator's cabs;

(b) A protective cover over the oxygen flow indicator.

56.8-2 Mandatory-SGCS. Safety chains provided across connections to and between

high pressure oxygen hose lines of 1-inch inside diameter or larger.

56.8-3 Mandatory-SGCS. A suitable means of protection shall be provided for the employee when lighting the burner.

56.8-4 With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

56.8-5 Mandatory-SGCS. Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 56.9 Loading, hauling, dumping.

56.9-1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

56.9-2 Mandatory-SGCS. Equipment defects affecting safety shall be corrected before the equipment is used.

56.9-3 Mandatory-SGCS. Powered mobile equipment shall be provided with adequate brakes.

56.9-4 Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.

56.9-5 Mandatory-SGCS. Operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.

56.9-6 Mandatory. When the entire length of the conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visible warning system shall be installed and operated to warn persons that the conveyor will be started.

56.9-7 Mandatory. Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length.

56.9-8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.

56.9-9 Mandatory-SGCS. Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.

56.9-10 Mandatory-SGCS. Trucks, shuttle cars, and front-end loaders shall be equipped with emergency brakes separate and independent of the regular braking system.

56.9-11 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

56.9-12 Mandatory-SGCS. Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

56.9-13 Mandatory-SGCS. Cabs of mobile equipment shall be kept free of extraneous materials.

56.9-14 In areas where weather conditions justify, haulage trucks with cabs should be equipped with heaters and/or air conditioners maintained in good condition.

56.9-15 Mandatory-SGCS. Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

56.9-16 Mandatory-SGCS. No person shall be permitted to ride a power driven-chain belt, or bucket conveyor, unless the belt is specifically designed for the transportation of persons.

56.9-17 Slusher hoists should be equipped with backlash guards, rollers, drum covers, and anchored securely before slushing operations are started.

56.9-18 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

56.9-19 Equipment operating speeds should be prudent and consistent with con-

ditions or roadway, grades, clearance, visibility, traffic, and the type of equipment used.

56.9-20 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

56.9-21 *Mandatory-SGCS*. Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

56.9-22 Track guard rails, lead rails, and grogs should be protected or blocked so as to prevent a person's foot from becoming wedged.

56.9-23 *Mandatory-SGCS*. Positive-acting stopblocks, derail devices, track skates or other adequate means shall be installed wherever necessary to protect persons from runaway or moving railroad equipment.

56.9-24 Traffic rules, signals, and warning signs should be standardized at each mine and posted.

56.9-25 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.

56.9-26 *Mandatory-SGCS*. Berms or guards shall be provided on the outer banks of elevated roadways.

56.9-27 *Mandatory-SGCS*. Trackless haulage equipment shall be operated under power control at all times.

56.9-28 *Mandatory-SGCS*. Mobile equipment operators shall have full control of the equipment while it is in motion.

56.9-29 *Mandatory-SGCS*. Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

56.9-30 *Mandatory-SGCS*. Only authorized persons shall be present in areas of loading or dumping operations.

56.9-31 *Mandatory-SGCS*. When an operator is present, men shall notify him before getting on or off equipment.

56.9-32 *Mandatory-SGCS*. Switch throws shall be installed so as to provide adequate clearance for switchmen.

56.9-33 Operators should sit facing the direction of travel while operating equipment with dual controls.

56.9-34 *Mandatory-SGCS*. Men shall not work or pass under the buckets or booms of loaders in operation.

56.9-35 *Mandatory-SGCS*. When traveling between work areas, the equipment shall be secured in the travel position.

56.9-36 *Mandatory-SGCS*. Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

56.9-37 *Mandatory-SGCS*. Men shall not ride in dippers, buckets, forks, clamshells, or in the beds of dump trucks for the purpose of transportation.

56.9-38 Loaded cars or trucks should not be moved until the loads are trimmed properly.

56.9-39 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.

56.9-40 *Mandatory-SGCS*. Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set or other equivalent precautions are taken against rolling.

56.9-41 *Mandatory-SGCS*. Mobile equipment shall not be left unattended unless the brakes are set. The wheels shall be turned into a bank or rib, or shall be blocked, when such equipment is parked on a grade.

56.9-42 *Mandatory-SGCS*. Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.

56.9-43 *Mandatory-SGCS*. Men shall not ride on top of loaded hauling equipment.

56.9-44 *Mandatory-SGCS*. Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.

56.9-45 Rocker-bottom or bottom-dump cars should be equipped with positive locking devices.

56.9-46 *Mandatory-SGCS*. Men shall not ride outside the cabs and beds of mobile equipment.

56.9-47 *Mandatory-SGCS*. Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

56.9-48 *Mandatory-SGCS*. Parked railcars, unless held effectively by brakes shall be blocked securely.

56.9-49 *Mandatory-SGCS*. Railroad cars with braking systems, when in use, shall be equipped with effective brake shoes.

56.9-50 Long material should be transported by a method designed to prevent any overhanging from creating a hazard.

56.9-51 *Mandatory-SGCS*. Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

56.9-52 *Mandatory-SGCS*. Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

56.9-53 *Mandatory-SGCS*. Inability of the motorman to clearly recognize the brakeman's signals when the train is under the direction of the brakeman shall be construed by the motorman as a stop signal.

56.9-54 Dumping locations and haulings roads should be kept reasonably free of water, debris, and spillage.

56.9-55 *Mandatory-SGCS*. Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

56.9-56 Where the ground at a dumping place may fall to support the weight of a loaded dump truck, trucks should be dumped back from the edges of the bank.

56.9-57 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.

56.9-58 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.

56.9-59 *Mandatory-SGCS*. If truck spoters are used, they shall be well in the clear while trucks are backing into dumping position and dumping; lights shall be used at night to direct trucks.

56.9-60 *Mandatory-SGCS*. Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails.

56.9-61 *Mandatory-SGCS*. Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

56.9-62 *Mandatory-SGCS*. Stockpile and muckpile faces shall be trimmed to prevent hazards to personnel.

56.9-63 *Mandatory-SGCS*. Rocks too large to be handled safely shall be broken before loading.

56.9-64 Ramps and dumps should be of solid construction, of ample width, have ample side clearance and headroom, and be kept reasonably free of spillage.

56.9-65 *Mandatory-SGCS*. Chute-loading installations shall be designed so that men pulling chutes are not required to assume hazardous positions while loading cars.

56.9-66 Cars should not be coupled or uncoupled manually from the inside of curves.

56.9-67 *Mandatory-SGCS*. Facilities used to transport men to and from work areas shall not be overcrowded.

56.9-68 *Mandatory-SGCS*. Supplies, ma-

terials, and tools other than small hand tools shall not be transported with men in man-trip vehicles, unless such vehicles are specifically designed to make such transportation safe.

56.9-69 *Mandatory-SGCS*. Lights, flares, or other warning devices shall be posted when parked equipment creates a hazard to vehicular traffic.

56.9-70 *Mandatory-SGCS*. Tires shall be deflated before repairs on them are started and adequate means shall be provided to prevent wheel locking rims from creating a hazard during tire inflation.

56.9-71 Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

56.9-72 A tow bar should be used to tow heavy equipment. A safety chain should be used in conjunction with the tow bar.

§ 56.10 Aerial tramways.

56.10-1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.

56.10-2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer of as physical conditions warrant. Records of rope maintenance and inspections should be kept.

56.10-3 *Mandatory-SGCS*. Any hazardous defects shall be corrected before the equipment is used.

56.10-4 Positive action-type brakes should be provided on aerial tramways.

56.10-5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

56.10-6 Guards should be installed to prevent swaying buckets from hitting towers.

56.10-7 *Mandatory-SGCS*. Guard nets shall be provided where tramways pass over roadways, walkways, and buildings.

56.10-8 *Mandatory-SGCS*. Persons other than maintenance men shall not ride aerial tramways unless the following features are provided:

(a) Two independent brakes, each capable of holding the maximum load;

(b) Direct communication between terminals;

(c) Power drives with emergency power available in case of primary power failure;

(d) Buckets equipped with positive locks to prevent accidental tripping or dumping.

56.10-9 *Mandatory-SGCS*. Men shall not ride loaded buckets.

56.10-10 *Mandatory-SGCS*. Where possible, aerial tramways shall not be started until the operator has ascertained that every one is in the clear.

§ 56.11 Travelways.

56.11-1 *Mandatory-SGCS*. Safe means of access shall be provided and maintained to all working places.

56.11-2 *Mandatory-SGCS*. Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

56.11-3 Ladders shall be of substantial construction and maintained in good condition.

56.11-4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on secure footing.

56.11-5 *Mandatory-SGCS*. Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

56.11-6 Fixed ladders should be offset and have substantial railed landings at least every 30 feet unless backguards are provided.

56.11-7 Steep fixed ladders (70° to 90° from the horizontal) 30 feet or more in length should be provided with backguards, cages, or equivalent protection, starting at a

point not more than 7 feet from the bottom of the ladder.

56.11-8 *Mandatory-SGCS*. Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

56.11-9 *Wooden members of ladders* should not be painted.

56.11-10 *Ladderways, stairways, walkways, and ramps* should be kept free of loose rock and extraneous materials.

56.11-11 *Mandatory-SGCS*. Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts. Inclined railed walkways shall be non-skid or provided with cleats.

56.11-12 *Vertical clearance above stair steps* should be a minimum of 7 feet.

56.11-13 *Men climbing or descending ladders* should face the ladders and have both hands free for climbing.

56.11-14 *Mandatory-SGCS*. Openings above, below, or near travelways through which men or materials may fall shall be protected by railing, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

56.11-15 *Mandatory-SGCS*. Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floor boards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

56.11-16 *Mandatory-SGCS*. Crossovers shall be provided where it is necessary to cross conveyors.

56.11-17 *Mandatory-SGCS*. Moving conveyors shall be crossed only at designated crossover points.

56.11-18 *Slippery walkways* should be provided with cleats and handrails and/or ropes.

56.11-19 *Mandatory-SGCS*. Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

56.11-20 *Fixed ladders* should not incline backwards at any point unless provided with backguards.

§ 56.12 Electricity.

56.12-1 *Mandatory*. Circuits shall be protected against excessive overload by fuses or circuit breakers of the correct type and capacity.

56.12-2 *Mandatory-SGCS*. Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

56.12-3 *Mandatory-SGCS*. Electric equipment and circuits shall be provided with switches or other controls. Such switches or controls shall be of approved design and construction and shall be properly installed.

56.12-4 *Mandatory*. Individual overload protection or short-circuit protection shall be provided for the trailing cables of mobile equipment.

56.12-5 *Power wires and cables* should have adequate current-carrying capacity and should be protected from mechanical injury.

56.12-6 *Neither crawler-mounted nor rubber-tired equipment* should run over trailing cables, unless the cables are properly bridged or protected.

56.12-7 *Distribution boxes* should be provided with disconnect switches.

56.12-8 *Mandatory-SGCS*. Trailing cable and power-cable connections to junction boxes shall not be made or broken under load.

56.12-9 *Power wires and cables* should be insulated adequately where they pass into or out of electrical compartments.

56.12-10 *Power wires and cables* which present a fire hazard should be well installed on acceptable insulators.

56.12-11 *Mandatory-SGCS*. Where metallic tools or equipment can come in con-

tact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

56.12-12 *Telephone and low-potential electric signal wires* should be protected from contacting energized powerlines.

56.12-13 *Mandatory-SGCS*. High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

56.12-14 *The potential on bare signal wires accessible to personal contact* should not exceed 40 volts.

56.12-15 *Splices in power cables, including ground conductor, where provided, should be:*

(a) Mechanically strong with adequate electrical conductivity;

(b) Effectively insulated and sealed to exclude moisture.

(c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original.

56.12-16 *Mandatory-SGCS*. Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

56.12-17 *Mandatory*. Energized high-potential cables shall be handled with insulated hooks or tongs.

56.12-18 *Mandatory-SGCS*. Electrical equipment shall be deenergized before work is done on such equipment. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

56.12-19 *Mandatory-SGCS*. Power circuits shall be deenergized before work is done on such circuits unless hot-line tools are used. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

56.12-20 *Mandatory-SGCS*. Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

56.12-21 *At least 3 feet of clearance* should be provided around all parts of stationary electric equipment or switchgear where access or travel is necessary.

56.12-22 *Mandatory-SGCS*. Dry wooden platforms, insulating mats, or other electrically nonconductive material shall be kept in place at all switchboards and power-control switches where shock hazards exist. However, metal plates on which a person normally would stand, and kept at the same potential as the grounded metal noncurrent carrying parts of the power switches to be operated, may be used.

56.12-23 *Mandatory-SGCS*. Suitable danger signs shall be posted at all major electrical installations.

56.12-24 *Areas containing major electrical installations* should be entered only by authorized personnel.

56.12-25 *Mandatory-SGCS*. Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

56.12-26 *Reverse-current protection* should be provided at storage-battery charging stations.

56.12-27 *Mandatory-SGCS*. All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

56.12-28 *Mandatory-SGCS*. Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

56.12-29 *Mandatory-SGCS*. Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

56.12-30 *Mandatory-SGCS*. Continuity and resistance of grounding systems shall be tested immediately after installation.

56.12-31 *Electric equipment and wiring* should be inspected by a competent person

as often as necessary to assure safe operating conditions.

56.12-32 *Mandatory-SGCS*. When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

56.12-33 *Electric motors, switches, and controls exposed to damaging dust or water* should be of dust-tight or water-tight construction.

56.12-34 *Inspection and cover plates on electrical equipment* should be kept in place at all times except during testing or repairs.

56.21-35 *Mandatory-SGCS*. Hand-held electric tools shall not be operated at high-potential voltages.

56.12-36 *Portable extension lights and other lights that may present a shock or burn hazard* should be guarded.

56.12-37 *Lamp sockets exposed to the weather* should be of a weatherproof type.

56.12-38 *Mandatory-SGCS*. Circuits shall be deenergized before fuses are removed or replaced.

56.12-39 *Mandatory-SGCS*. Fuse tongs or hot-line tools shall be used when fuses are removed or replaced in high-potential circuits.

56.12-40 *Trailing cables* should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

56.12-41 *Surplus trailing cables to shovels, cranes, and similar equipment* should be stored in cable boats or on reels mounted on the equipment or otherwise protected from mechanical damage.

56.12-42 *Mandatory-SGCS*. Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

56.12-43 *Mandatory-SGCS*. Switches and starting boxes shall be of safe design and capacity.

56.12-44 *Both rails* should be bonded or welded at every joint. Rails should be cross-bonded at least every 200 feet if the track serves as the return trolley circuit, except where a control signal cannot be used on a crossbonded track.

56.12-45 *Mandatory-SGCS*. Equipment with booms or masts which are not properly protected shall not be operated where the booms or masts can come within 10 feet of an energized overhead powerline.

56.12-46 *Lightning arrester grounds* should be connected to earth at least 10 feet from the track or mine return circuit.

56.12-47 *Mandatory-SGCS*. Overhead high-potential powerlines shall be installed as specified by the National Electrical Safety Code.

56.12-48 *Mandatory-SGCS*. When equipment must be moved under energized powerlines and the clearance is less than 10 feet, the powerlines shall be deenergized or other precautions shall be taken.

56.12-49 *Mandatory-SGCS*. Guy wires of poles supporting high-potential conductors shall be equipped with insulators installed near the pole end.

56.12-50 *Mandatory-SGCS*. Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Safety Code.

56.12-51 *Mandatory-SGCS*. Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

56.12-52 *Mandatory-SGCS*. Transformer enclosures shall be kept locked against unauthorized entry.

56.12-53 *Men* should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

56.12-54 Trolley wires should be aligned properly and installed at least 6 inches outside and 7 feet above the track.

56.12-55 Trolley wire hangers should be spaced so that the wire will not sag more than 3 inches between hangers and so that the wire may be detached from any one hanger without creating a shock hazard.

56.12-56 Trolley wires and trolley feeder wires should be provided with sectionalizing switches at man-trip stations and near the beginning of all branch lines.

56.12-57 Ground wires for lighting circuits powered from trolley wires should be connected securely to the ground return circuit.

56.12-58 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

§ 56.13 Compressed air and boilers.

GENERAL

56.13-1 *Mandatory-SGCS.* All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

COMPRESSED AIR

56.13-6 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 50° less than the flash points of the lubricating oils.

56.13-7 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gages, and drain valves.

56.13-8 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

56.13-9 Compressed-air receivers should be drained of moisture and oil at least once each operating shift.

56.13-10 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

56.13-11 Compressed-air receivers and other pressure vessels should be inspected internally at least once a year by qualified inspectors; records of such inspections should be kept.

56.13-12 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

56.13-13 Compressor discharge pipes should be cleaned periodically.

56.13-14 Safety devices on compressed-air systems should be checked at the beginning of each shift.

56.13-15 *Mandatory-SGCS.* Repairs involving the pressure system of compressors, receivers, or compressed air-powered equipment shall not be attempted until the pressure has been bled off.

56.13-16 *Mandatory-SGCS.* At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

56.13-17 *Mandatory-SGCS.* Safety chains or suitable locking devices shall be used at connections to machines of high pressure hose lines of 1 inch inside diameter or larger, where a connection failure would create a hazard.

BOILERS

56.13-25 Boilers should be equipped with guarded well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

56.13-26 Boilers should be equipped with automatic pressure relief valves; valves should be tested each shift.

56.13-27 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame-outs, fuel interruptions, and low water level.

56.13-28 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

56.13-29 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 56.14 Use of equipment

GUARDS

56.14-1 *Mandatory-SGCS.* Gears; sprockets; chains; drive, head, tail, and takeup pulleys; flywheels; couplings; shafts; sawblades; ran inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons, shall be guarded.

56.14-2 *Mandatory-SGCS.* Overhead belts shall be guarded if the whipping action from a broken belt should be hazardous to persons below.

56.14-3 Guards at conveyor drive head, and tail pulleys should extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the pulley.

56.14-4 Openings where conveyors pass through walls or floors should be guarded.

56.14-5 Protruding setscrews on revolving parts should be guarded.

56.14-6 *Mandatory-SGCS.* Except when testing the machinery, guards shall be securely in place while machinery is being operated.

56.14-7 Guards should be sufficiently strong and maintained to provide the required protection.

56.14-8 *Mandatory-SGCS.* Stationary grinding machines other than special bit grinders shall be equipped with:

(a) Peripheral hoods (less than 90° throat openings) capable of withstanding the force of a bursting wheel;

(b) Adjustable tool rests set as close as practical to the wheel;

(c) Safety washers.

56.14-9 *Mandatory-SGCS.* Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

56.14-10 *Mandatory-SGCS.* Hand-held power tools, other than rock drills, shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

56.14-11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

56.14-12 Industrial vehicles such as forklift trucks, front-end loaders, and bulldozers should be provided with roll protection when necessary to protect the operator.

56.14-13 *Mandatory-SGCS.* Forklift trucks, front-end loaders, and bulldozers shall be provided with substantial canopies when necessary to protect the operator.

56.14-14 *Mandatory-SGCS.* Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

METHODS AND PROCEDURES

56.14-20 Machinery and equipment should be maintained properly.

56.14-21 *Mandatory-SGCS.* Unsafe equipment or machinery shall be removed from service immediately.

56.14-22 Machinery and equipment should be operated only by authorized and experienced persons.

56.14-23 Adequate clearance should be provided at machine installations.

56.14-24 *Mandatory-SGCS.* Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

56.14-25 *Mandatory-SGCS.* Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

56.14-26 *Mandatory-SGCS.* Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

56.14-27 *Mandatory-SGCS.* Belts, chains, and ropes shall not be guided onto power driven moving pulleys, sprockets, or drums with the hands except on slow moving equipment especially designed for hand feeding.

56.14-28 *Mandatory.* Pulleys or conveyors shall not be cleaned manually while the conveyor is in motion.

56.14-29 *Mandatory-SBCS.* Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

56.14-30 *Mandatory-SGCS.* Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

56.14-31 *Mandatory-SGCS.* Welding operations shall be shielded and well ventilated. 56.14-32 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

§ 56.15 Personal protection.

56.15-1 *Mandatory-SGCS.* Adequate first-aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

56.15-2 *Mandatory-SGCS.* All persons shall wear suitable hard hats when in or around a mine or plant where falling objects may create a hazard.

56.15-3 *Mandatory.* All persons shall wear suitable protective footwear when in or around a mine or plant where a hazard exists.

56.15-4 *Mandatory.* All persons shall wear safety glasses, goggles, or face shields when in or around a mine or plant.

56.15-5 *Mandatory-SGCS.* Safety belts and lines shall be worn when men work where there is danger of falling; a second person shall tend the lifeline when bins, tanks, or other dangerous areas are entered.

56.15-6 *Mandatory-SGCS.* Life jackets or belts shall be worn where there is danger of falling into water.

56.15-7 Protective clothing, rubber gloves, goggles, or face shields should be worn by persons handling substances that are corrosive, toxic, or injurious to the skin.

56.15-8 *Mandatory-SGCS.* Protective clothing or equipment and face shields or goggles shall be worn when welding, cutting or working with molten metal.

56.15-9 Snug-fitting clothing should be worn around moving equipment and machinery.

56.15-10 Protective gloves should be worn by employees handling materials which may cause injury.

56.15-11 Gloves should not be worn where they could create a hazard by becoming entangled or caught in moving parts of machinery.

56.15-12 Finger rings should not be worn while working in or around a mine or plant.

56.15-13 Effective ear protection should be worn where noise levels may cause permanent ear damage or hearing loss, or noise should be reduced to safe levels.

56.15-14 Where there is a danger of a vehicle overturning, seatbelts should be used.

§ 56.16 Materials storage and handling.

56.16-1 Materials should be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

56.16-2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

56.16-3 *Mandatory-SGCS*. Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

56.16-4 *Mandatory-SGCS*. Hazardous materials shall be stored in containers of a type approved for such use by recognized agencies; such containers shall be labeled appropriately.

56.16-5 *Mandatory-SGCS*. Compressed and liquid gas cylinders shall be secured in a safe manner.

56.16-6 *Mandatory-SGCS*. Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

56.16-7 Hitches and slings used to hoist materials should be designed and used properly for the particular material handled.

56.16-8 Taglines should be attached to suspended materials that require steadying.

56.16-9 *Mandatory-SGCS*. Men shall stay clear of suspended loads.

56.16-10 Materials should not be dropped from an elevation unless the drop area is guarded or sufficient warning is given.

56.16-11 *Mandatory-SGCS*. Men shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

56.16-12 Substances that react violently or liberate dangerous fumes when mixed should be stored in such a manner that they cannot come in contact with each other.

56.16-13 Only men wearing protective equipment should stand near pots or ladles when molten material is being handled; warning should be given before a pour is made or the pot is moved.

56.16-14 *Mandatory-SGCS*. Operator carrying overhead cranes shall be provided with:

- (a) Bumpers at each end of each rail;
- (b) Automatic switches to halt uptravel of the blocks before they strike the hoist;
- (c) Effective audible warning signals within easy reach of the operator;
- (d) A means to lockout the disconnect switch.

56.16-15 *Mandatory-SGCS*. No person shall work from or travel on the bridge on an overhead crane unless the bridge is provided with substantial footwalks with toeboards and railings the length of the bridge.

56.16-16 Forklift trucks should be moved with the load in a low position and should descend ramps with the load behind.

§ 56.17 Illumination.

56.17-1 *Mandatory-SGCS*. Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas.

§ 56.18 Safety programs.

56.18-1 The employer should establish a definite, effective, and continually functioning safety program and make every attempt to prevent accidents and increase safety. Employees should actively participate in the safety program.

56.18-2 Regular safety inspections should be made by company officials and/or safety committees. Written reports should be made of the findings and the actions recommended or taken; this information should be made available to the employees.

56.18-3 Serious accidents, whether resulting in injury or not, should be investigated to determine the cause and the means of preventing recurrence. Records of these investigations should be kept and the information should be made available to the employees.

56.18-4 Company safety regulations pertinent to the various operations should be published or posted for employee information.

56.18-5 All employees and officials should

be familiar with company, State, and Federal safety regulations.

56.18-6 *Mandatory-SGCS*. New employees shall be indoctrinated in safety rules and safe work procedures.

56.18-7 Inexperienced employees should be assigned to work with experienced men until such employees have acquired the necessary skills to perform their duties safely.

56.18-8 Each working place should be visited by a supervisor or a designated person at least once each shift and more frequently as necessary to insure that work is being done in a safe manner.

56.18-9 *Mandatory-SGCS*. No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard, or can be seen.

56.18-10 An authorized person should be in charge at all times when men are working.

56.18-11 Selected supervisors should be trained in first aid. First-aid training should be made available to all employees.

56.18-12 All supervisors and employees should be trained in accident prevention.

56.18-13 *Mandatory-SGCS*. Emergency telephone numbers shall be posted at appropriate telephones.

56.18-14 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

56.18-15 *Mandatory-SGCS*. Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

§ 56.19 Man hoisting.

The hoisting standards in this section apply to those hoists and appurtenances used for hoisting men. However, where men may be endangered by hoists and appurtenances used solely for handling ore, rock and materials, the appropriate standards should be applied.

HOISTS

56.19-1 *Mandatory-SGCS*. Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

56.19-2 *Mandatory-SGCS*. Hoists shall be anchored securely.

56.19-3 *Mandatory-SGCS*. Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

56.19-4 *Mandatory-SGCS*. Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

56.19-5 *Mandatory-SGCS*. The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

56.19-6 *Mandatory-SGCS*. Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

56.19-7 *Mandatory-SGCS*. Man hoists shall be provided with devices to prevent overtravel and overspeed.

56.19-8 Friction hoists should be provided with synchronizing mechanisms that recalibrate the overtravel devices and position indicators to correct for rope creep or stretch.

56.19-9 *Mandatory-SGCS*. An accurate and reliable indicator of the position of the cage, skip, bucket, or cars in the shaft shall be provided.

56.19-10 *Mandatory-SGCS*. Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

56.19-11 Flanges or drums should extend radially a minimum of three rope diameters beyond the last wrap.

56.19-12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

WIRE ROPE

56.19-20 The United States of America Standards Institute specifications cited in "Wire Ropes for Mines," M11.1-1960, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

56.19-21 *Mandatory-SGCS*. The following static-load safety factors shall be used for selecting ropes to be used for hoisting men and for determining when such ropes shall be removed from man hoist.

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less	8	6.4
501 to 1,000	7	5.8
1,001 to 2,000	6	5.0
2,001 to 3,000	5	4.3
3,001 or more	4	3.6

56.19-22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

56.19-23 The end of the rope at the drum should make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and should be fastened securely by means of rope clips or clamps. This provision does not apply to friction hoists.

56.19-24 *Mandatory-SGCS*. The rope shall be attached to the load by the thimble and clip method, the socketing method, or other approved method, if the socketing method is employed, zinc or its equivalent shall be used: The use of babbitt metal or lead for socketing wire ropes is prohibited. If the thimble and clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

(b) The U-bolt of each clip shall encircle the short or "dead" end of the rope and the distance between clips shall not be less than the figures given in the accompanying table.

(c) The following number of clips or equivalent shall be used for various diameters of six-strand 19-wire plow steel ropes: (Follow manufacturer's recommendations for other kinds of wire rope and clips.)

Diameter of rope, inches	Number of clips	Center-to-center spacing of clips, inches
3/4	4	4 1/2
7/8	4	5 1/2
1	4	6
1 1/8	5	6 3/4
1 1/4	5	7 1/4
1 1/2	6	8 1/4
1 3/4	6	9
1 7/8	6	9 3/4
2	7	10 1/2
2 1/8	8	11 1/4
2 1/4	8	12
2 3/8	8	13
2 1/2	8	14

(d) For all ropes less than 3/4-inch in diameter, at least four clips or equivalent shall be used.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in these regulations.

56.19-25 New ropes should be broken in, in accordance with the manufacturer's recommendations.

56.19-26 Corrosion of hoist ropes at the attachment of safety connections should be minimized by the design of the attachment devices and by lubrication.

56.19-27 Where possible, conveyances, attached to single ropes used to hoist men should be provided with secondary safety connections.

HEADFRAMES AND SHEAVES

56.19-35 Headframes should be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

56.19-36 Headframes should be high enough to provide at least 15 feet of clearance between the bottom of the sheave or drum and the uppermost part of the highest rope connection of the conveyance when the conveyance is at its uppermost man landing.

56.19-37 Fleet angles should not exceed 1½ degrees.

56.19-38 *Mandatory-SGCS.* Platforms with toeboards and handrails shall be provided around elevated head sheaves.

56.19-39 Diameters of head sheaves and hoist drums should conform to the following specifications:

Rope construction	Diameter of sheave and drum	
	Recommended (times rope diameter)	Minimum (times rope diameter)
6x7 classification.....	72	42
6x19.....	45	30
6x37.....	27	18
6x25 type B, flattened strand.....	45	30
6x27 type H, flattened strand.....	45	30
6x30 type G, flattened strand.....	45	30
18x7 classification.....	51	34

56.19-40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where necessary machined to the proper contour and the proper groove diameter.

CONVEYANCES

56.19-45 *Mandatory-SGCS.* Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any inclined shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

56.19-46 *Mandatory-SGCS.* Man cages shall be fireproof, of substantial construction and provided with:

(a) Fully enclosed sides, and safety gates; gates shall be at least 5 feet high and have no openings except those necessary for signaling;

(b) Escape hatches;

(c) Safety catches. This provision, (c), does not apply to friction-hoist cages that are suspended from more than one pin.

56.19-47 *Mandatory.* All skips conveying men shall be provided with:

(a) Safety catches. This provision, (a), does not apply to friction-hoists skips that are suspended from more than one pin.

(b) Safe means of access.

(c) Platforms, where necessary, to provide safe footing.

(d) Stop controls to prevent travel into the dumping position.

(e) Anchored platforms inside the skips, if they are bottom-dumping.

(f) Devices to prevent tilting.

56.19-48 *Mandatory.* Man cars shall be of substantial construction and provided with:

(a) Drags or equivalent safety devices on the last car of man trips operated in inclined shafts where guides are not provided.

(b) Safety catches if guides are provided.

(c) Secondary safety connections where possible.

(d) Safety chains or wire ropes between cars.

(e) Adequate seating for the number of men handled.

56.19-49 *Mandatory-SGCS.* Buckets used to hoist men during shaft sinking operation shall have:

(a) Crossheads equipped with safety catches and protective bonnets when the shaft depth exceeds 50 feet.

(b) Devices to prevent accidental dumping.

(c) Sufficient depth to transport men safely in a standing position.

HOISTING PROCEDURES

56.19-55 *Mandatory-SGCS.* When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

56.19-56 When automatic hoisting is used, a qualified hoistman should be in attendance on the premises while any person is underground.

56.19-57 Hoistman should be physically fit and should undergo yearly examinations to determine their continued fitness; certification to this effect should be available at the mine.

56.19-58 *Mandatory-SGCS.* Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

56.19-59 *Mandatory-SGCS.* Whenever a regular shift of men is being hoisted or lowered by a manually operated hoist, a second man familiar with and qualified to stop the hoist shall be in attendance; this provision shall not apply to sinking operations, level development, or repair operations in the mine.

56.19-60 Hoistmen should use extreme caution when hoisting or lowering men.

56.19-61 The safe speed should be determined for each shaft; in no instance should this speed exceed 2,500 feet per minute for hoisting men.

56.19-62 Maximum acceleration and deceleration should not exceed 6 feet per second.

56.19-63 Only authorized personnel should be in hoist rooms.

56.19-64 Conveyances intended to be operated in balance should not be balanced when men are on the cage.

56.19-65 *Mandatory-SGCS.* Conveyances shall not be lowered by the brakes alone except during emergencies.

56.19-66 Management should designate the maximum number of men permitted to ride on a trip at one time; this limit should be posted on each landing.

56.19-67 Authorized persons should be in charge of all man trips.

56.19-68 Men should enter, ride, and leave conveyances in an orderly manner.

56.19-69 *Mandatory-SGCS.* Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

56.19-70 *Mandatory-SGCS.* Cage doors or gates shall be closed while men are being hoisted, they shall not be opened until the cage has come to a stop.

56.19-71 *Mandatory-SGCS.* Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small handtools.

56.19-72 When combinations of cages and skips are used, the skips should be empty while men are being transported.

56.19-73 *Mandatory-SGCS.* Rock or supplies shall not be hoisted in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

56.19-74 Men should not ride the ball, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

56.19-75 *Mandatory-SGCS.* Open hooks

shall not be used to hoist buckets or other conveyances.

56.19-76 When men are hoisted, bucket speeds should not exceed 500 feet a minute, and should not exceed 200 feet a minute when within 100 feet of a landing.

56.19-77 *Mandatory-SGCS.* Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

56.19-78 Buckets should be stopped after being raised 3 feet when men are hoisted from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bellcord should be attended constantly until the crosshead has been engaged.

56.19-79 *Mandatory-SGCS.* Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

56.19-80 *Mandatory-SGCS.* When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

56.19-81 Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

SIGNALING

56.19-90 *Mandatory-SGCS.* There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

56.19-91 Hoistmen should not accept hoisting instructions by telephone unless the regular signaling systems are out of order. During such an emergency one person should be designated to direct movement of the conveyance.

56.19-92 A method should be provided to signal hoist operators from within conveyances at any point in the shaft.

56.19-93 A standard code of hoisting signals should be adopted and used at each mine.

56.19-94 *Mandatory-SGCS.* A legible signal code shall be posted prominently in the hoist house within easy view of the hoistmen, and at each place where signals are given or received.

56.19-95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

56.19-96 *Mandatory-SGCS.* Any person responsible for receiving or giving signals for cages, skips, and mantrips when men or materials are being transported shall be familiar with the posted signaling code.

SHAFTS

56.19-105 *Mandatory-SGCS.* Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

56.19-106 *Mandatory-SGCS.* Positive stop-blocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

56.19-107 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

56.19-108 Dumping facilities should be so constructed as to minimize spillage into the shaft.

56.19-109 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

56.19-110 *Mandatory-SGCS.* A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft.

56.19-111 Shaft timbers should be kept clean of rocks and other loose material.

56.19-112 *Mandatory-SGCS.* Hoistmen shall be informed when men are working in

a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the hoist.

56.19-113 "Men Working in Shaft" signs shall be posted at the signal devices at all active stations and landings when men are working in a compartment affected by that hoisting operation.

56.19-114 *Mandatory*. Shaft inspection and repair work shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

56.19-115 *Mandatory-SGCS*. A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

56.19-116 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.

INSPECTION AND MAINTENANCE

56.19-125 *Mandatory-SGCS*. A systematic procedure of inspection, testing, and maintenance of shafts and hoisting equipment shall be developed and followed. If it is found or suspected that any part is not functioning properly, the hoist shall not be used until the malfunction has been located and repaired or adjustments have been made.

56.19-126 Complete records should be kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.

56.19-127 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.

56.19-128 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

56.19-129 Ropes should be cut off and reconnected to the conveyance as often as necessary to assure adequate inspection of rope condition and to effectively distribute wear of the rope. At least 6 feet should be cut from the rope above the highest connection; this portion should be examined carefully for corrosion, damage, wear, and fatigue by the rope manufacturer or an equally competent agency.

56.19-130 Hoisting ropes would in multiple layers should be cut off and repositioned on the drum at regular intervals as necessary to effectively distribute wear of the rope. The length of the cutoff at the drum end should be greater than, but not an even multiple of, the circumference of the drum.

56.19-131 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

- (a) Immediately above the socket or clips and above the safety connections;
- (b) Where the ropes rest on the sheaves;
- (c) Where the ropes leave the drums when the conveyances are at the regular stopping points;
- (d) Where a layer of rope begins to overlap another layer on the drum.

56.19-132 Electromagnetic or other non-destructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspections and tests.

56.19-133 *Mandatory-SGCS*. Ropes shall not be used for hoisting when they have:

- (a) More than six broken wires in any lay;
- (b) Crown wires worn to less than 65 percent of the original diameter;
- (c) A marked amount of corrosion or distortion;
- (d) A combination of similar factors individually less severe than those above but which in aggregate might create an unsafe condition.

56.19-134 *Mandatory*. Hoistman shall examine their hoist and shall test overtravel,

overspeed, and deadman controls, position indicators, and braking mechanisms at the beginning of each shift.

56.19-135 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

56.19-136 Rope and conveyance connections to conveyances should be inspected daily.

56.19-137 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

56.19-138 Shafts should be inspected at least weekly.

56.19-139 Sheaves should be inspected daily and kept properly lubricated.

56.19-140 Rollers used in inclined shafts should be lubricated, properly aligned, and kept in good repair.

§ 56.20 Miscellaneous.

56.20-1 *Mandatory-SGCS*. Intoxicating beverages and narcotics shall not be permitted or used in or around mines. Persons under the influence of alcohol or narcotics shall not be permitted on the job.

56.20-2 *Mandatory-SGCS*. Potable water shall be available to all employees during working hours.

56.20-3 Good housekeeping should be practiced in and around a mine.

56.20-4 Men should not engage in horseplay.

56.20-5 *Mandatory-SGCS*. Carbon tetrachloride shall not be used.

56.20-6 Protruding nails which may cause injury should be removed or completely bent over.

56.20-7 Employees should be constantly alert to the potential of accidents on their jobs.

56.20-8 Toilet facilities should be provided at convenient locations and should be kept clean and sanitary.

56.20-9 *Mandatory-SGCS*. Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

56.20-10 *Mandatory-SGCS*. If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and inspected at regular intervals.

§ 56.21 Savings provision.

56.21-1 Unless otherwise specified herein, nothing contained in these standards shall prevent the continued utilization of equipment, facilities or structures, including mine workings, now in use, which fall in whole or in part to meet the requirements of these standards, *Provided*:

- (a) That such equipment, facilities, and structures are utilized in a safe manner and are maintained in safe condition.
- (b) That any equipment, facilities, and structures which do not meet the mandatory specifications and safety standards set forth herein shall not be used after January 1, 1972, unless modified to conform to such standards.
- (c) That all replacements of or additions to existing equipment, facilities, or structures made after the effective date of these standards shall conform to such standards.

56.21-2 Nothing contained in § 56.21-1 above shall be construed to conflict with, or limit the authority granted by the Act to the Bureau to issue orders pursuant to section 8(a) of the Act.

56.21-3 Nothing contained in § 56.21-1 above, shall be construed to limit or conflict with any standards contained herein which prohibit specific unsafe work procedures or which require specific safe work procedures to be followed.

[F.R. Doc. 69-477; Filed, Jan. 15, 1969; 8:45 a.m.]

[30 CFR Part 57]

METAL AND NONMETALLIC UNDERGROUND MINES

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721-740, Supp. III) to promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in metal and non-metallic mines, it is proposed to add a new Part 57 to Title 30, Code of Federal Regulations, relating to underground mines. The standards set forth in Part 57 have been developed in conjunction with the Underground Mining Advisory Committee appointed pursuant to section 7 of the Act.

Scope. The standards set forth in Part 57 would be applicable to those metal and non-metallic mines at which mining operations are conducted by underground methods. The regulations in Part 57 would not be applicable to the mining of sand, gravel, crushed stone, or to open pit mining of metal and nonmetallic minerals; these mines would be covered by standards set forth in new Parts 55 and 56 of Title 30, Code of Federal Regulations.

Specific designation of mandatory standards. Each standard which would be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Underground Mining Advisory Committee has recommended that a standard be mandatory, the standard will be preceded by the word "Mandatory" and the letters "UAC" in this manner—"Mandatory-UAC."

In accordance with the provisions of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) interested persons are hereby afforded a period of 60 days after the date of publication in the FEDERAL REGISTER of proposed Part 57 in which to submit written data, views, or arguments respecting the proposed standards contained in Part 57. Communications should be addressed to the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Subject to the provisions of subsection (e) of section 6 and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)) on or before the last day of the 60-day period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Underground Mining Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended as mandatory by the Underground Mining Advisory Committee are not subject to hearings. Only those proposed standards which have not been recommended by the Underground Mining Advisory Committee as mandatory are subject to hearings.

The new proposed Part 57 is set forth below.

DAVID S. BLACK,
Under Secretary of the Interior.

JANUARY 9, 1969.

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|------|------------------------------|
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 § 57.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for underground metal and non-metallic mines which are subject to that act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the act (30 U.S.C. 727). Those regulations in each subpart appearing under the heading "General—Surface and Underground" apply both to the underground and surface operations of underground mines; those appearing under the heading "Surface Only" apply only to the surface operations of underground mines; those appearing under the heading "Underground Only" apply only to the underground operations of underground mines.

§ 57.2 Definitions.

As used in this part:

"Abandoned mine" means all work has stopped on the mine premises and an office with a responsible person in charge is no longer maintained at the mine.

"Abandoned workings" means deserted mine areas in which further work is not intended.

"Active workings" means areas at, in, or around a mine or plant where men work or travel.

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Auxiliary fan" means a fan used to deliver air to a working place off the main airstream; generally used with ventilation tubing.

"Barricaded" means obstructed to prevent the passage of persons, vehicles, or flying materials.

"Berm" means a pile or mound of material capable of stopping a vehicle.

"Blasting agent" means any material or mixture of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients is classified as an explosive (provided that the material or mixture cannot be detonated by a No. 8 test blasting cap under the conditions specified for the cap sensitivity test).

"Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

"Blasting cap" means a detonator containing a charge of detonating compound, which is ignited by electric current or the spark of a fuse. Used for detonating explosives.

"Blasting circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter.

"Blasting switch" means a switch used to connect a power source to a blasting circuit.

"Booster fan" means a fan installed in the main airstream or a split of the main airstream to increase airflow through a section or sections of a mine.

"Box-type underground distribution storage magazine" means a small, portable, box-

type magazine used as a temporary storage place for limited quantities of explosives or detonators near working faces, which meets the specifications set forth in § 57.7-27.

"Cager or cage tender" means a person working at the top of the shaft or at an intermediary level inside the mine who directs station operations and the movement of the conveyance used to raise and lower men, materials, and supplies between various levels and the surface.

"Capped fuse" means a length of safety fuse to which a detonator has been attached.

"Combustible" means capable of being ignited and consumed by fire.

"Company official" means a member of the company supervisory or technical staff.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating fuse" means a round flexible cord containing a center core of high explosives.

"Detonator" means a device used for detonating an explosive, including, but not limited to, blasting caps, exploders, percussion caps, primers, electric detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feed line; each cable circuit being connected through individual overcurrent protective devices.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect with the ground to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Escapeway" means a passageway by which persons may leave if the ordinary exit is obstructed.

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to black powder, dynamite, nitroglycerin, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flammable gas" means methane, or mixtures of methane and other saturated hydrocarbon gases that may occur naturally as strata gases.

"Flammable liquid" means liquid having a flash point below 140° F. and having a vapor pressure not exceeding 40 p.s.i. (absolute) at 100° F.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley or public road.

"High potential" means more than 650 volts.

"Hoist" means a power-driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

"Incline" means any inclined plane, whether above or beneath the surface.

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings or any church,

schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Low potential" means 650 volts or less.

"Magazine" means a storage place for explosives or detonators.

"Main fan" means a fan that controls the entire airflow of the mine, or the airflow of one of the major air circuits.

"Main underground distribution storage magazine" means the main place of storage for explosives or detonators underground, which meets the specifications set forth in § 57.7-25, and from which explosives and detonators are distributed to secondary underground magazines or box-type underground distribution storage magazines.

"Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution, or conversion of electrical power.

"Manlift" means a power driven vertical belt having regularly spaced steps which can be boarded by men and used to travel from one elevation to another.

"Man trip" means a trip on which men are transported to and from a work area.

"Mill" includes any ore mill, sampling works, concentrator, and any crushing, grinding, or screening plant used at, and in connection with, an excavation or mine.

"Mine opening" means any opening or entrance from the surface into a mine.

"Misfire" means the complete or partial failure of a blasting charge to explode as planned.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

"Permissible" means a machine, material, apparatus, or device which has been investigated, tested, and approved by the Bureau of Mines, and maintained in permissible condition.

"Potable" means fit for drinking.

"Primer" means a package or cartridge of explosives with a detonator.

"Reverse-current protection" means a method or device used on direct-current circuits or equipment to prevent the flow of current in the reverse direction.

"Roll protection" means a framework, safety canopy or similar protection for the operator when equipment overturns.

"Safety can" means an approved container, of not over 5 gallons capacity, having a spring-closing lid and spout cover.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and water-proofing compounds, which burns at a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety switch" means a sectionalizing switch that also provides short circuit protection in blasting circuits between the blasting switch and the shot area.

"Scaling" means removal of insecure material from a face or highwall.

"Secondary safety connection" means a second connection between a conveyance and rope, intended to prevent the conveyance from running away or falling in the event the primary connection fails.

"Secondary underground distribution storage magazine" means a place for storage of explosives or detonators on an underground working level, which meets the specifications set forth in § 57.7-26.

"Semiconductive hose" means hose having an electrical resistance of not less than 5,000 ohms per foot and not more than 2 megohms for its total length, used in pneumatic placement of blasting agents in boreholes.

"Shaft" means a vertical or inclined shaft; a slope, incline or winze.

"Sprung hole" means a blasting hole chambered or enlarged to take an increased charge of explosives.

"Stemming" means the inert material, and the placing of such material, on top of a charge of explosives.

"Stray current" means that portion of a total electric current that flows through paths other than the intended circuit.

"Substantial construction" means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, usage, and deterioration to which it will be subjected.

"Suitable" means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

"Threshold limit values" refers to airborne concentrations of substances and represents conditions under which it is believed that nearly all workers may be repeatedly exposed for a full shift, day after day, without adverse effect.

"Travelway" means a passage, walk or way regularly used and designated for persons to go from one place to another.

"Trip light" means a light displayed on the opposite end of a train from the locomotive or engine.

"Wet drilling" means the continuous application of water through the central hole of hollow drill steel to the bottom of the drill hole.

"Working place" means any place in or about a mine where work is being performed.

§ 57.3 Ground control.

SURFACE ONLY

57.3-1 *Mandatory-UAC.* Standards acceptable to the Secretary for the safe control of pit walls, including the overall slope of the pit wall, shall be established and followed by the operator. Such standards shall be consistent with prudent engineering design, the nature of the ground and the kind of material and mineral mined, and the ensuring of safe working conditions according to the degree of slope. Mining methods shall be selected which will ensure wall and bank stability, including benching as necessary to obtain a safe overall slope.

57.3-2 *Mandatory-UAC.* Loose unconsolidated material shall be stripped for a safe distance, but in no case less than 10 feet, from the top of pit or quarry walls, and the loose unconsolidated material shall be sloped to the angle of repose.

57.3-3 *Mandatory-UAC.* To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

57.3-4 *Mandatory-UAC.* Safe means for scaling pit banks shall be provided. Where power shovels are used for scaling, banks shall be limited to heights that can be scaled with the shovel buckets. Exposed bank areas shall be scaled before any other work is performed in the exposed bank areas.

57.3-5 *Mandatory-UAC.* Men shall not work near or under dangerous banks. Overhanging banks shall be taken down immediately and other unsafe ground conditions shall be corrected promptly, or the areas shall be barricaded and posted.

57.3-6 *Mandatory-UAC.* Men shall approach loose rock and areas to be scaled from above and shall scale from a safe location.

57.3-7 Baffleboards, screens, cribbing, or other suitable means should be provided to prevent movement of material into cuts developed into steep hillsides.

57.3-8 *Mandatory-UAC.* The supervisor or a competent person designated by him, shall examine working areas and faces for unsafe conditions at least at the beginning of each shift and after blasting. Any unsafe

condition found shall be corrected before any further work is performed at the immediate area or face at which the unsafe condition exists.

57.3-9 *Mandatory-UAC.* Men shall examine their working places before starting work and frequently thereafter and any unsafe condition shall be corrected.

57.3-10 Banks, benches, and terrain sloping into the working areas should be examined after every rain, freeze, or thaw before men work in such areas.

57.3-11 Large boulders requiring secondary blasting should be in a safe location before they are drilled or broken.

57.3-12 *Mandatory-UAC.* Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape from falls or slides of the bank.

57.3-13 Rock-bolt installations, where used, should be in accordance with recommendations of the Bureau of Mines or other competent agency.

UNDERGROUND ONLY

57.3-20 *Mandatory-UAC.* Ground support shall be used if the operating experience of the mine, or any particular area of the mine, indicates that it is required. If it is required, support, including timbering, rock bolting, or other methods shall be consistent with the nature of the ground and the mining method used.

57.3-21 Men should be trained in the proper methods of testing for, taking down, and supporting loose ground.

57.3-22 *Mandatory-UAC.* Miners shall examine and test the back, face, and ribs of their working places at the beginning of each shift and frequently thereafter. Supervisors shall examine the ground conditions during daily visits to insure that proper testing and ground control practices are being followed. Loose ground shall be taken down or adequately supported before any other work is done. Ground conditions along haulageways and travelways shall be examined periodically and scaled or supported as necessary.

57.3-23 A scaling bar of proper length and blunt on one end should be provided at each working face.

57.3-24 Picks or other short tools that would place the user in danger of falling rock should not be used for barring down.

57.3-25 Timbers should be blocked tightly.

57.3-26 Damaged or dislodged timbers which create a hazardous condition should be repaired or replaced promptly.

57.3-27 Temporary ground support should be installed as needed.

57.3-28 When necessary, permanent, or temporary ground support should be installed near enough to the bottom of the shaft during shaft sinking to prevent falls of rocks from the sides of the shaft.

57.3-29 Shaft pillars should have sufficient strength to protect operating shafts.

57.3-30 Rock-bolt installations should be installed in a manner to provide safe and effective ground support.

57.3-31 Rock-bolting material should meet the applicable standards of the United States of America Standards Institute.

57.3-32 When needed, rock bolts should be installed as soon as possible after an area is exposed.

57.3-33 Torque meters should be available at mines where rock bolts are used for ground support. Periodic tests should be made to determine if bolts meet recommended torque.

§ 57.4 Fire prevention and control.

GENERAL—SURFACE AND UNDERGROUND

57.4-1 *Mandatory-UAC.* No person shall smoke or use an open flame where oil, grease, flammable solvents, liquids, fluids, or other flammable materials are stored, transported, handled, or used, nor within an unsafe distance or any area or place where such practices may cause a fire or explosion.

57.4-2 *Mandatory-UAC.* Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

57.4-3 Areas surrounding flammable-liquid-storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 25 feet in all directions.

57.4-4 *Mandatory-UAC.* Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.

57.4-5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

57.4-6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well ventilated.

57.4-7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.

57.4-8 *Mandatory-UAC.* Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

57.4-9 *Mandatory-UAC.* All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.

57.4-10 *Mandatory-UAC.* Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

57.4-11 *Mandatory-UAC.* Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

57.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

57.4-13 Materials such as oily waste and rags, which are subject to spontaneous combustion should be placed in tightly covered metal containers until disposed of properly.

57.4-14 *Mandatory-UAC.* Solvents with flash points lower than 100° F. (38° C.) shall not be used for cleaning.

57.4-15 *Mandatory-UAC.* Solvents shall not be used near an open flame or other ignition source, or near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flash point.

57.4-16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.

57.4-17 Floors around drip pans should be covered with sand or other suitable non-combustible material and such sand or material should be replaced as necessary.

57.4-18 *Mandatory-UAC.* Oxygen cylinders shall not be stored near oil or grease.

57.4-19 *Mandatory-UAC.* Gauges and regulators used with oxygen or acetylene cylinders shall be kept clean and free of oil and grease.

57.4-20 *Mandatory-UAC.* Battery-charging stations shall be located in well ventilated areas.

57.4-21 *Mandatory-UAC.* Internal combustion engines, except diesels, shall be shut off and stopped before being fueled.

57.4-22 *Mandatory-UAC.* Each mine shall have available or be provided with suitable firefighting equipment adequate for the size of the mine.

57.4-23 *Mandatory-UAC.* Firefighting equipment shall be strategically located, readily accessible, plainly marked, properly maintained, and inspected periodically. Records shall be kept of such inspections.

57.4-24 Fire extinguishers should be:

(a) Of the appropriate type for the particular fire hazard involved.

(b) Adequate in number and size for the particular fire hazard involved.

(c) Replaced immediately with fully charged extinguishers after any discharge is made from the extinguisher.

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Bureau of Mines.

57.4-25 Fire hydrants should be:

(a) Of a standard type to fit the hose equipment of local fire departments. Adapters should be provided if necessary.

(b) Provided with readily available wrenches or keys to open the valves.

57.4-26 Water pipes, valves, outlets, hydrants, and hoses designated for firefighting purposes should be inspected and tested every 3 months.

57.4-27 Suitable fire extinguishers should be provided on self-propelled mobile equipment with enclosed cabs.

57.4-28 Suitable fire extinguishers should be an integral part of portable cutting and welding equipment.

57.4-29 *Mandatory-UAC.* When welding or cutting near combustible materials, suitable precautions shall be taken to insure that smoldering metal or sparks do not result in a fire.

57.4-30 Employees should be trained in the use of firefighting equipment.

57.4-31 A firefighting organization should be established, equipped, and trained in firefighting; drills should be held at least twice a year.

57.4-32 All employees should be instructed on current escape and evacuation plans, fire alarm signals, and applicable procedures to be followed in case of fire.

57.4-33 *Mandatory-UAC.* Valves on oxygen and acetylene tanks shall be kept closed when the contents are not being used.

57.4-34 Belt-conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

SURFACE ONLY

57.4-40 Fire-alarm systems adequate to warn all employees should be provided and maintained in operating condition.

57.4-41 Two exits should be provided where men work or congregate.

57.4-42 Timber or other combustible materials in excess of 1 day's supply should not be stored within 100 feet of mine ventilation fans or mine openings, except where physical conditions do not permit.

57.4-43 Buildings and other structures within 100 feet of mine openings should be fire-resistant.

57.4-44 Areas surrounding main fan installations and other mine openings should be kept free from grass, weeds, underbrush, and other combustible materials for a safe distance in all directions.

57.4-45 Blacksmith shops should be:

(a) A safe distance from mine openings and not in buildings or snowsheds adjoining mine openings.

(b) Of fire-resistant construction.

(c) Well ventilated and equipped with exhaust hoods over the forge and welding areas.

(d) Occupied when the forge fire is burning.

(e) Inspected carefully for smoldering fires at the end of the shaft.

57.4-46 *Mandatory-UAC.* Gasoline, diesel fuel, liquefied petroleum gases, and other flammable liquids when not buried, shall not be stored within 100 feet of the following:

(a) Mine openings.

(b) Buildings or snowsheds connected to mine openings.

(c) Fan installations or housings.

(d) Hoist houses.

UNDERGROUND ONLY

57.4-50 *Mandatory-UAC.* Specific escape and evacuation plans shall be established and kept current. Escape routes shall be marked plainly.

57.4-51 *Mandatory-UAC.* Fire-alarm systems adequate to warn all employees shall be provided and maintained in operating condition.

57.4-52 *Mandatory-UAC.* Gasoline shall not be taken, stored, or used underground.

57.4-53 *Mandatory-UAC.* The use of liquid petroleum gases shall be limited to maintenance work.

57.4-54 *Mandatory-UAC.* Oil, grease, or diesel fuel stored underground shall be kept in suitable tightly sealed containers in fire-resistant areas, at safe distances from explosives' magazines, electrical installations, and shaft stations.

57.4-55 Transformer stations, pump rooms, compressor rooms, and similar installations should be in fire-resistant areas.

57.4-56 Oil or fuel storage areas should not be located in main ventilation airways.

57.4-57 Trailing cables should be fire-resistant.

57.4-58 *Mandatory-UAC.* Fires shall not be built underground; open-flame torches and candles shall not be left unattended.

57.4-59 Welding or cutting should be done in fire-resistant locations whenever possible. When welding or cutting near combustible materials, the surrounding areas should be wet down thoroughly before and after the work is done, and a fire patrol of the area should be maintained afterward for at least 8 hours.

57.4-60 Power circuits should be deenergized in all areas on idle shifts or idle days, except where power is required. These required circuits should be protected with minimum-capacity fuses.

57.4-61 Fire doors should be provided at shaft stations or other appropriate locations to prevent the spread of smoke or gas; the doors should be equipped with latches operable from both sides.

57.4-62 Timbered mine entrances should be fire resistant for at least 200 feet inside the mine portal or collar or provided with fire protection adequate to control a fire for at least 200 feet inside the mine portal or collar.

57.4-63 Waterline outlets should be located so as to be accessible if a fire is at a station.

57.4-64 All air lines in timbered mines should be readily convertible into waterlines if a water supply is available, unless the air lines are paralleled by waterlines.

57.4-65 *Mandatory-UAC.* Noncombustible barriers shall be installed below welding or burning operations in or over a shaft, raise, or winze.

57.4-66 Adequate fire extinguishers or equivalent fire protection should be provided at the head, tail, and drive pulleys of belt conveyors and at suitable intervals along the belt line.

57.4-67 A mine rescue station equipped with at least 10 sets of approved and properly maintained 2-hour self-contained breathing apparatus, adequate supplies, and spare parts should be maintained at mines employing 75 or more men underground or, in lieu thereof, the mine should be affiliated with a central mine rescue station.

57.4-68 Mines at which individual mine rescue stations are not maintained should affiliate with central or cooperative mine rescue stations.

57.4-69 *Mandatory-UAC.* Approved mine rescue apparatus shall be properly maintained for immediate use. The equipment shall be tested at least once a month and records kept of the tests.

57.4-70 At least two rescue crews (10

men) should be trained annually in the use, care, and limitation of self-contained breathing and firefighting apparatus and in mine-rescue procedures at mines employing 75 or more men. Smaller mines should have one or more trained men available.

57.4-71 Rescue crews should include supervisory and key personnel familiar with all mine installations that could prove vital to firefighting and rescue operations.

57.4-72 Only trained mine rescue men should participate in firefighting operations in advance of the fresh air base.

§ 57.5 Air quality.

GENERAL—SURFACE AND UNDERGROUND

57.5-1 *Mandatory-UAC.* Where airborne concentrations of dust, gas, mist and fumes are encountered which exceed threshold limit values adopted by the American Conference of Governmental Hygienists, and persons are exposed to such concentrations, control measures shall be adopted to maintain concentrations below such threshold limit values.

57.5-2 *Mandatory-UAC.* Dust, gas, mist, and fume surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.

57.5-3 *Mandatory-UAC.* Holes shall be collared and drilled wet, or other efficient dust control measures shall be used when drilling non-water-soluble materials. Efficient dust control measures shall be used when drilling water-soluble materials.

57.5-4 Muck piles, haulage roads, rock transfer points, crushers, and other points where dust is produced should be wet down at the beginning of the shift and thereafter as necessary, unless dust is controlled adequately by other methods.

57.5-5 *Mandatory-UAC.* Bureau of Mines approved respirators shall be worn for protection against short-term exposures to concentrations of substances in excess of threshold limit values. Where a concentration of a substance is encountered for which a respirator has not been approved by the Bureau of Mines, respirators developed and tested by an agency or organization acceptable to the Bureau shall be used. Where an approved or acceptable respirator is not available no person shall enter or be exposed to concentrations in excess of threshold limit values. Except as provided in this section, use of respirators shall not be substituted for regular control measures.

SURFACE ONLY

57.5-10 *Mandatory-UAC.* Atmospheres where persons work (including equipment cabs) shall contain:

(a) At least 20 percent oxygen.

(b) Not more than 0.005 percent carbon monoxide, 0.5 percent carbon dioxide, and 5 parts per million nitrogen dioxide or other threshold limit values for these gases adopted by the American Conference of Governmental Industrial Hygienists.

(c) No harmful quantities of other gases, fumes, or mists as determined by threshold limit values established by the American Conference of Governmental Industrial Hygienists.

UNDERGROUND ONLY

57.5-15 Atmospheres in all active areas should contain at least 20 percent oxygen.

57.5-16 *Mandatory-UAC.* Atmospheres in all active areas shall contain:

(a) Not more than 0.005 percent carbon monoxide, 0.5 percent carbon dioxide, and 5 parts per million nitrogen dioxide, or other threshold limit values for these gases adopted by the American Conference of Governmental Industrial Hygienists.

(b) No harmful quantities of other gases, fumes, or mists as determined by threshold limit values established by the American Conference of Governmental Industrial Hygienists.

§ 57.6 Ventilation and radiation.

VENTILATION

UNDERGROUND ONLY

57.6-1 *Mandatory-UAC.* Mines shall be provided with mechanically induced primary ventilation.

57.6-2 Main fans should be installed on the surface; if it is necessary to locate them underground, they should be in fire-resistant areas and should be provided with remote controls.

57.6-3 *Mandatory-UAC.* Fan housings and air ducts connecting main fans to underground openings shall be fire-resistant.

57.6-4 Separate mine openings should be provided for main intake and return air currents. A multiple compartment shaft does not constitute separate mine openings.

57.6-5 *Mandatory-UAC.* Precautions shall be taken to ensure that mine intake air is below the 8-hour weighted average allowable threshold limit of contaminants. (Reference * * *)

57.6-6 Main fans should be inspected and maintained properly.

57.6-7 Instruments should be provided to test the mine atmosphere quantitatively for carbon monoxide, nitrogen dioxide, and other gases that occur in the mine. Tests should be conducted as frequently as necessary to assure that the required quality of air is maintained.

57.6-8 Flame safety lamps or other suitable devices should be used to test for acute oxygen deficiency.

57.6-9 *Mandatory-UAC.* Unventilated areas shall be sealed, or barricaded and posted against entry.

57.6-10 Ventilation tubing should be installed so that the air current sweeps the face areas effectively. Maximum distance of the end of the tubing from the face generally should be 30 feet for blowing and 6 feet for exhausting.

57.6-11 Ventilation doors not operated mechanically should be hung so that they are self-closing, and installed so as to remain closed regardless of the direction of air current.

57.6-12 *Mandatory.* Internal combustion engines other than Bureau of Mines approved diesels shall not be used underground and they shall be operated in a permissible manner and maintained in permissible condition.

RADIATION

UNDERGROUND ONLY

57.6-18 *Mandatory-UAC.* Mine atmospheres shall be sampled to determine if hazardous atmosphere concentrations of radon daughters are present. Where potentially hazardous atmospheric concentrations are found, or known sources of radon exist, each active work area shall be sampled as often as necessary by a qualified person.

57.6-19 *Mandatory-UAC.* No employee shall be permitted to receive an exposure of more than 6 WLM (working level months) in any consecutive 3-month period and no more than 12 WLM in any consecutive 12-month period.

57.6-20 *Mandatory-UAC.* If samples show an atmospheric concentration of radon daughters of more than 1 working level, but less than 2 working levels, immediate corrective action shall be taken or the men shall be withdrawn. When concentrations higher than 2 working levels are indicated the men shall be withdrawn from the area until corrective action is taken and the radon-daughter atmospheric concentrations are reduced to 1 working level or less.

57.6-21 *Mandatory-UAC.*

(a) Where uranium is mined, if measurements in areas indicate exposure to concentrations of radon daughters in excess of 0.3 working level, complete individual exposure records shall be kept for all employees entering these areas.

(b) Where uranium is not mined, if three consecutive measurements taken in areas at

least 8 hours but not more than 24 hours between measurements exceed 0.3 working level, complete individual exposure records shall be kept for all employees entering these areas. If complete individual exposure records covering 3 consecutive months indicate cumulative exposures of less than 1 WLM during the 3-month period, exposure records need no longer be kept.

57.6-22 *Mandatory-UAC.* Smoking shall be prohibited where uranium is mined.

57.6-23 *Mandatory-UAC.* The most recent radiation exposure standards established by the Federal Radiation Council and approved by the President shall be considered authoritative guidance in preventing occupational disease or injury from exposure to ionizing radiation.

57.6-24 *Mandatory.* On and after January 1, 1971, no employee shall be permitted to receive an exposure of more than 4 WLM in any consecutive 12-month period.

§ 57.7 Explosives.

STORAGE

GENERAL—SURFACE AND UNDERGROUND

57.7-1 *Mandatory-UAC.* Detonators, explosives, and blasting agents shall be stored in magazines.

57.7-2 *Mandatory-UAC.* Separate magazines shall be provided for the storage of detonators and explosives.

57.7-3 *Mandatory-UAC.* Detonators shall not be stored in the same magazine with explosives or blasting agents.

57.7-4 Blasting agents, safety fuse, or detonating fuse may be stored with explosives.

57.7-5 *Mandatory.* Only enclosed and gasketed fixtures and wiring in conduit shall be used inside magazines that are illuminated electrically.

57.7-6 *Mandatory-UAC.* Electric switches shall be outside the magazines.

57.7-7 Areas surrounding magazines for not less than 25 feet in all directions should be kept free of rubbish and other combustibles.

57.7-8 *Mandatory-UAC.* Smoking and open flames shall not be permitted within 25 feet of explosives and detonator-storage magazines.

57.7-9 Cases of explosives should be stored in such a manner to assure the use of the oldest stock first.

57.7-10 *Mandatory-UAC.* Ammonium nitrate fuel-oil mixtures shall be physically separated from dynamite stored in the same magazine and in such a manner that oil does not contaminate the dynamite.

57.7-11 Cases of explosives should not be stored on their ends or sides.

57.7-12 Cases of explosives should not be stacked more than 6 feet high.

SURFACE ONLY

57.7-20 *Mandatory-UAC.* Magazines shall be:

(a) Located in accordance with the current American table of distances for storage of explosives.

(b) Detached structures located away from powerlines, fuel storage areas, and other possible sources of fire.

(c) Constructed substantially of noncombustible material or covered with fire-resistant material.

(d) Reasonably bullet resistant.

(e) Electrically bonded and grounded if constructed of metal.

(f) Made of nonsparking materials on the inside, including floors.

(g) Provided with adequate and effectively screened ventilation openings near the floor and ceiling.

(h) Kept locked securely when unattended.

(i) Posted with suitable danger signs so located that a bullet passing through the face of a sign will not strike the magazine.

(j) Used exclusively for storage of blasting

agents, explosives, or detonators and kept free of all extraneous materials.

(k) Kept clean and dry in the interior, and in good repair.

(l) Unheated, unless heated in a manner that does not create a fire or explosion hazard. Electrical heating devices shall not be used inside a magazine.

UNDERGROUND ONLY

57.7-25 *Mandatory.* Main underground distribution storage magazines for explosives and detonators shall be:

(a) Of substantial construction and have only nonsparking materials on the inside including the floors.

(b) So situated that in the event a magazine catches fire or explodes, escape from the mine will not be cut off.

(c) Separated from haulageways by 25 feet of solid ground.

(d) Located, where possible or practical, so that fumes from fires or explosions will not be coursed to active mining areas.

(e) Provided with suitable warning signs at the entrance to the drift in which the magazine is situated and on the magazine itself.

57.7-26 *Mandatory.* Secondary underground distribution storage magazines for explosives and detonators shall be:

(a) Of substantial construction and have only nonsparking material on the inside including the floors.

(b) Located at least 200 feet from active working places or shafts, 10 feet from tracks or haulageways, 25 feet from trolley wires or powerlines and out of the line of blasts.

57.7-27 *Mandatory.* Box-type underground distribution storage magazines used to store explosives and detonators near working faces shall be constructed with only nonsparking material inside and equipped with covers or doors and shall be located out of the line of blasts.

57.7-28 Box-type underground distribution storage magazines should be used to store explosives and detonators near working faces and should be located not less than 50 feet from the face.

57.7-29 *Mandatory.* Secondary underground and box-type underground magazines shall be labeled suitably.

57.7-30 *Mandatory-UAC.* Detonator-storage magazines shall be of the same construction as explosives-storage magazines and shall be separated by at least 25 feet from explosives-storage magazines.

TRANSPORTATION

GENERAL—SURFACE AND UNDERGROUND

57.7-40 *Mandatory-UAC.* Explosives and detonators shall be transported in separate vehicles unless separated by 4 inches of hard wood or the equivalent.

57.7-41 *Mandatory-UAC.* When explosives and detonators are hauled by trolley locomotive, covered electrically insulated cars shall be used.

57.7-42 *Mandatory-UAC.* Self-propelled vehicles used to transport explosives or detonators shall be equipped with suitable fire extinguishers.

57.7-43 *Mandatory-UAC.* Vehicles containing explosives or detonators shall be posted with proper warning signs.

57.7-44 *Mandatory-UAC.* When vehicles containing explosives or detonators are parked, the brakes shall be set, the motive power shut off, and the vehicles shall be blocked securely against rolling.

57.7-45 *Mandatory-UAC.* Vehicles shall be attended, whenever practical and possible, while loaded with explosives or detonators.

57.7-46 Vehicles containing explosives or detonators should not be taken to a repair garage or shop for any purpose.

57.7-47 *Mandatory-UAC.* Vehicles containing explosives or detonators shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

57.7-48 *Mandatory-UAC.* Vehicles used to transport explosives other than anfo mixtures, shall have substantially constructed bodies, no sparking metal exposed in the cargo space, and shall be equipped with suitable sides and tail gates; explosives shall not be piled higher than the side or end enclosures.

57.7-49 Explosives should be transported at times and over routes that expose a minimum number of persons.

57.7-50 Explosives or detonators in open-bodied vehicles should be covered with fire and water retardant materials.

57.7-51 *Mandatory-UAC.* Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives or detonators.

57.7-52 *Mandatory-UAC.* Explosives or detonators shall not be transported on locomotives.

57.7-53 *Mandatory-UAC.* No person shall smoke while transporting or handling explosives or detonators.

57.7-54 *Mandatory-UAC.* Only the necessary attendants shall ride on or in vehicles containing explosives or detonators.

57.7-55 *Mandatory-UAC.* Explosives or detonators shall not be transported on man trips.

57.7-56 Explosives should be transported promptly without undue delays in transit.

57.7-57 *Mandatory-UAC.* Nonconductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.

57.7-58 *Mandatory-UAC.* Substantial-nonconductive closed containers shall be used to carry explosives to blasting sites.

SURFACE ONLY

57.7-65 *Mandatory-UAC.* Vehicles containing explosives or detonators shall not be left unattended except in blasting areas where loading or charging is in progress.

UNDERGROUND ONLY

57.7-75 Men assigned to and responsible for hoisting should be notified whenever explosives are being transported in a shaft conveyance.

57.7-76 *Mandatory-UAC.* Hoisting of ore, muck, or other materials in adjacent shaft compartments shall be stopped while explosives are being handled.

57.7-77 *Mandatory-UAC.* Vehicles used to transport explosives underground shall be of substantial construction, and have no spark-producing metal exposed on the inside.

57.7-78 Cars containing explosives should be pulled, except when hand-trammed.

USE

GENERAL—SURFACE AND UNDERGROUND

57.7-90 *Mandatory-UAC.* Persons who use explosives, blasting agents, or detonators shall be experienced men who understand the hazards involved; trainees shall do such work only under the supervision of and in the immediate presence of experienced men.

57.7-91 Blasting operations should be under the direct control of authorized persons.

57.7-92 *Mandatory-UAC.* Damaged or deteriorated explosives, blasting agents, and detonators shall be destroyed in a safe manner.

57.7-93 *Mandatory.* Explosives or detonators shall not be taken to the face or the immediate vicinity of the blasting site until all other work has been completed.

57.7-94 *Mandatory-UAC.* Holes to be blasted shall be charged as near to blasting time as practical and such holes shall be blasted as soon as possible after charging has been completed. In no case shall the time elapsing between the completion of charging to the time of blasting exceed 72 hours unless prior approval has been obtained from the Bureau of Mines.

57.7-95 *Mandatory-UAC.* No person shall smoke within 25 feet of explosives, blasting agents or detonators.

57.7-96 *Mandatory-UAC.* Explosives and blasting agents shall be kept separated from detonators until charging is started.

57.7-97 *Mandatory-UAC.* Primers shall be made up at the time of charging and as close to the blasting site as conditions allow.

57.7-98 Primers should be prepared so that the detonator is contained securely along the centerline of the explosive cartridge.

57.7-99 *Mandatory-UAC.* Only wooden or other nonsparking implements shall be used to punch holes in explosives' cartridges.

57.7-100 *Mandatory-UAC.* Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.

57.7-101 No tamping should be done directly on primer cartridges.

57.7-102 *Mandatory-UAC.* Unused explosives and detonators shall be moved to a safe location as soon as charging operations are completed.

57.7-103 *Mandatory-UAC.* Areas in which charged holes are awaiting firing shall be guarded, or barricaded and posted, or flagged, against unauthorized entry.

57.7-104 *Mandatory-UAC.* When safety fuse has been used, men shall not return to misfired holes for at least 30 minutes.

57.7-105 *Mandatory.* When electric blasting caps have been used, men shall not return to misfired holes for at least 15 minutes.

57.7-106 Faces and muckpiles should be examined for undetonated explosives after each blast and undetonated explosives found should be disposed of safely.

57.7-107 *Mandatory-UAC.* Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

57.7-108 *Mandatory-UAC.* Fuse and igniters shall be stored in a cool, dry place away from oils or grease.

57.7-109 Fuse should not be kinked, bent sharply, or handled roughly.

57.7-110 *Mandatory-UAC.* Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

57.7-111 *Mandatory-UAC.* Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

57.7-112 *Mandatory-UAC.* The burning rate of the fuse shall be posted in the fuse-capping station in a conspicuous location such that the burning rate will be brought to the attention of all men concerned with blasting.

57.7-113 *Mandatory-UAC.* Fuse less than 48 inches long shall not be used.

57.7-114 *Mandatory-UAC.* At least two men shall be present when lighting fuses, and no man shall light more than 15 individual fuses. If more than 15 holes per man are to be fired, igniter cord and connectors or electric blasting shall be used.

57.7-115 A safe interval of time should be allowed to light a round and evacuate the blasting area.

57.7-116 *Mandatory-UAC.* Fuse shall be ignited with hot-wire lighters, lead spitters, igniter cord, or other such devices designed for this purpose.

57.7-117 *Mandatory-UAC.* Fuse shall not be ignited before the primer and the entire charge are securely in place.

57.7-118 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.

57.7-119 Electric detonators of different brands should not be used in the same round.

57.7-120 *Mandatory-UAC.* Electric detonators shall remain shunted until they are being wired into the blasting circuit. Lead lines and wired rounds shall be kept shunted until immediately before blasting.

57.7-121 Completely wired rounds should be tested with a blasting galvanometer before connections are made to the blasting line.

57.7-122 *Mandatory-UAC.* Permanent

blasting lines shall be properly supported, insulated, and kept in good repair.

57.7-123 *Mandatory.* Charging shall be stopped immediately when the presence of static electricity or stray current is detected; the condition shall be remedied before charging is resumed.

57.7-124 *Mandatory-UAC.* Charging shall be suspended in surface mining, shaft sinking, and tunneling and men withdrawn to a safe location upon the approach of an electrical storm.

57.7-125 *Mandatory-UAC.* If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

57.7-126 *Mandatory-UAC.* Safety switches and blasting switches shall be labeled, encased in boxes, and arranged so that the covers of the boxes cannot be closed with the switches in closed position.

57.7-127 *Mandatory-UAC.* Blasting switches shall be locked in the open position, except when closed to fire the blast. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

57.7-128 *Mandatory-UAC.* The key to a blasting switch shall be entrusted only to the person designated to fire blasts.

57.7-129 *Mandatory-UAC.* Electric circuits from the blasting switches to the blast area shall not be grounded.

57.7-130 At least a 5-foot airgap should be provided between the blasting circuit and the power circuit.

57.7-131 Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

57.7-132 Delay connectors for firing detonating cord should be treated and handled with the same safety precautions as blasting caps and electric detonators.

SURFACE ONLY

57.7-160 *Mandatory-UAC.* Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from areas endangered by the blast.

57.7-161 *Mandatory-UAC.* Sufficient blasting shelters shall be provided to protect all men endangered by fly rock from blasting.

57.7-162. If explosives are suspected of burning in a hole, all persons in the endangered area should move to a safe location until the danger has passed.

57.7-163 *Mandatory-UAC.* Lead wires and blasting lines shall not be strung across power conductors, pipelines, railroad tracks, or within 20 feet of bare powerlines. They shall be protected from sources of static or other electrical contact.

57.7-164 *Mandatory-UAC.* The double-trunk-line or loop system shall be used in detonating-cord blasting.

57.7-165 *Mandatory-UAC.* Trunkline, in multiple-row blasts, shall make one or more complete loops, with crossties between loops at intervals of not over 200 feet.

57.7-166 *Mandatory-UAC.* All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

57.7-167 Detonating cord should not be kinked, bent, or otherwise handled in such a manner that the train of detonation may be interrupted.

UNDERGROUND ONLY

57.7-175 *Mandatory-UAC.* Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from areas endangered by the blast. Clear access to exits shall be provided for personnel firing the rounds.

57.7-176 Blasting areas should not be re-entered after firing until concentrations of smoke, dust, and fumes have been reduced to safe limits.

57.7-177 *Mandatory-UAC.* Misfires shall

be reported or disposed of as soon as possible by the following methods:

(a) Reattempting to fire the holes if leg wires are exposed.

(b) Washing the stemming and the charge from the borehole with water.

(c) Inserting new primers after the stemming has been washed out.

57.7-178 Explosives and blasting lines should be isolated from sources of static or other electrical contact.

57.7-179 *Mandatory-UAC*. Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before explosives are brought into the area; the power shall not be turned on again until after the shots are fired.

57.7-180 Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted should be deenergized before explosives are brought into the area; the power should not be turned on again until after the shots are fired.

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

GENERAL—SURFACE AND UNDERGROUND

57.7-190 If sensitized ammonium nitrate blasting agents are not purchased premixed, all procedures concerning storage of components and the final product, mixing, and transportation should be in accordance with Bureau of Mines Information Circular 8179, "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," or subsequent revisions.

57.7-191 *Mandatory*. In the use of sensitized ammonium nitrate mixtures and blasting agents the same precautions shall be taken as for high explosives.

57.7-192 Adequate priming should be employed to guard against misfires, increased toxic fumes, and poor performance.

57.7-193 *Mandatory-UAC*. Where pneumatic loading is employed, before any type of blasting operation using blasting agents is put into effect, an evaluation of the potential hazard of static electricity shall be made. Adequate steps, including the grounding and loading of the conductive parts of pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before blasting agent use is commenced.

57.7-194 *Mandatory-UAC*. Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.

57.7-195 *Mandatory*. Hoses used in connection with pneumatic loading machines shall be of the semiconductive type, having a total resistance low enough to permit the dissipation of static electricity and high enough to limit the flow of stray electric currents to a safe level. Wire-countered hose shall not be used because of the potential hazard from stray electric currents.

57.7-196 Reasonable precautions should be exercised to exclude moisture from blasting agents other than slurries. Water should be removed from holes before holes are charged. If water continues to flow into boreholes, sensitized ammonium nitrate should not be used.

57.7-197 *Mandatory-UAC*. Plastic tubes shall not be used to protect pneumatically loaded blasting agent charges against water unless a positive grounding system is provided to drain electrostatic charges from the hole.

57.7-198 In small-diameter holes, the AN-FO or related agents should be loaded so as to provide a continuous column that completely fills the cross section of the borehole.

57.7-199 Adequate priming should be employed to guard against misfires, increased toxic fumes, and poor performance.

§ 57.8 Drilling.

SURFACE ONLY

57.8-1 Equipment should be inspected each shift by an authorized individual.

Equipment defects affecting safety should be reported.

57.8-2 *Mandatory-UAC*. Equipment defects affecting safety shall be corrected before the equipment is used.

57.8-3 *Mandatory-UAC*. The drilling area shall be inspected for hazards before starting the drilling operations.

57.8-4 *Mandatory-UAC*. Men shall not be on the mast while the drill is in operation.

57.8-5 *Mandatory-UAC*. Drill crews and others shall stay clear of augers or drill stems that are in motion. Persons shall not pass under or step over a moving stem or auger.

57.8-6 Receptacles or racks should be provided for drill steel stored on drills.

57.8-7 Tools and other objects should not be left loose on the mast or drill platform.

57.8-8 *Mandatory-UAC*. When a drill is being moved from one drilling area to another, drill steel, tools and other equipment shall be secured and the mast placed in a safe position.

57.8-9 The drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.

57.8-10 *Mandatory-UAC*. In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

57.8-11 *Mandatory-UAC*. The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on a reel.

57.8-12 *Mandatory-UAC*. While in operation, drills shall be attended at all times.

57.8-13 *Mandatory-UAC*. Drill holes large enough to constitute a hazard shall be covered or guarded.

57.8-14 Men operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

57.8-15 Men should not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

57.8-16 Bit wrenches or bit knockers should be used to remove detachable bits from drill steel.

57.8-17 Starter steels should be used when collaring holes with hand-held or feed-leg drills.

57.8-18 *Mandatory-UAC*. Men shall not hold the drill steel while collaring holes, or rest their hands on the chuck or centralizer while drilling.

57.8-19 Air should be turned off and bled from the hose before hand-held drills are moved from one working area to another.

UNDERGROUND ONLY

57.8-25 Men operating or working near drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

57.8-26 Men should not attempt to operate drills from positions that hinder their access to the control levers.

57.8-27 Drilling should not be attempted for insecure footing or staging, or from atop equipment not designed for this purpose.

57.8-28 Men should not hold the drill steel while collaring holes, or rest their hands on the chuck or centralizer while drilling.

57.8-29 Air should be turned off before moving portable drills from one face to another.

57.8-30 Receptacles or racks should be provided for drill steel stored on jumbos.

57.8-31 Before drilling cycle is started, warning should be given to men working below jumbo decks.

57.8-32 Drills on columns should be anchored firmly before drilling is started and should be retightened frequently thereafter.

§ 57.9 Rotary jet piercing.

SURFACE ONLY

57.9-1 Jet drills should be provided with:
(a) A system to pressurize operator's cabs.
(b) A protective cover over the oxygen flow indicator.

57.9-2 *Mandatory-UAC*. Safety Chains or other suitable locking devices shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

57.9-3 *Mandatory-UAC*. A suitable means of protection shall be provided for the employee when lighting the burner.

57.9-4 With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

57.9-5 *Mandatory-UAC*. Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 57.10 Loading, hauling, dumping.

GENERAL—SURFACE AND UNDERGROUND

57.10-1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

57.10-2 *Mandatory-UAC*. Equipment defects affecting safety shall be corrected before the equipment is used.

57.10-3 *Mandatory-UAC*. Powered mobile equipment shall be provided with adequate brakes.

57.10-4 Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.

57.10-5 *Mandatory-UAC*. Operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.

57.10-6 *Mandatory-UAC*. When the entire length of the conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visual warning system shall be installed and operated to warn persons that the conveyor will be started.

57.10-7 *Mandatory-UAC*. Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length.

57.10-8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.

57.10-9 *Mandatory-UAC*. Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.

57.10-10 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

57.10-11 *Mandatory-UAC*. Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

57.10-12 *Mandatory-UAC*. Cabs of mobile equipment shall be kept free of extraneous materials.

57.10-13 *Mandatory-UAC*. Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

57.10-14 *Mandatory-UAC*. No person shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the belt is specifically designed for the transportation of persons.

57.10-15 Slusher holsts should be equipped with backlash guards, rollers, drum covers, and anchored securely before slushing operations are started.

57.10-16 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should

be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

57.10-17 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

57.10-18 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

57.10-19 Track guard rails, lead rails, and frogs should be protected or blocked so as to prevent a person's foot from becoming wedged.

57.10-20 *Mandatory-UAC.* Positive-acting stopblocks, derail devices, track skates or other adequate means shall be installed wherever necessary to protect persons from runaway or moving railroad equipment.

57.10-21 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.

57.10-22 *Mandatory-UAC.* Berms or guards shall be provided on the outer banks of elevated roadways.

57.10-23 *Mandatory-UAC.* Trackless haulage equipment shall be operated under power control at all times.

57.10-24 *Mandatory-UAC.* Mobile equipment operators shall have full control of the equipment while it is in motion.

57.10-25 *Mandatory-UAC.* Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

57.10-26 *Mandatory.* Only authorized persons shall be present in areas of loading or dumping operations.

57.10-27 *Mandatory-UAC.* When an operator is present, men shall notify him before getting on or off equipment.

57.10-28 *Mandatory-UAC.* Switch throws shall be installed so as to provide adequate clearance for switchmen.

57.10-29 Operators should sit facing the direction of travel while operating equipment with dual controls.

57.10-30 *Mandatory-UAC.* Men shall not work or pass under the buckets or booms of loaders in operation.

57.10-31 *Mandatory-UAC.* When traveling between work areas, the equipment shall be secured in the travel position.

57.10-32 *Mandatory-UAC.* Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

57.10-33 *Mandatory-UAC.* Men shall not ride in dippers, buckets, forks, clamshells, or in the beds of dump trucks for the purpose of transportation.

57.10-34 Loaded cars or trucks should not be moved until the loads are trimmed properly.

57.10-35 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.

57.10-36 *Mandatory-UAC.* Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set or other equivalent precautions are taken against rolling.

57.10-37 *Mandatory-UAC.* Mobile equipment shall not be left unattended unless the brakes are set. The wheels shall be turned into a bank or rib, or shall be blocked when such equipment is parked on a grade.

57.10-38 When dumping cars by hand the car dumps should be provided with tie-down chains or bumper blocks to prevent cars from overturning.

57.10-39 *Mandatory-UAC.* Men shall not

get on or off moving equipment except that trainmen may get on or off of slowly moving trains.

57.10-40 *Mandatory-UAC.* Men shall not ride on top of loaded haulage equipment.

57.10-41 *Mandatory-UAC.* Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.

57.10-42 Rocker-bottom or bottom dump cars should be equipped with positive locking devices.

57.10-43 *Mandatory-UAC.* Men shall not ride outside the cabs and beds of mobile equipment.

57.10-44 Men should not ride in conveyances equipped with unloading devices unless a positive means is provided to prevent accidental starting of the unloading mechanism.

57.10-45 *Mandatory-UAC.* Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

57.10-46 Backpoling of trolley poles should be avoided wherever possible; where backpoling is necessary, it should be done only at slow speeds.

57.10-47 *Mandatory-UAC.* Parked railcars, unless held effectively by brakes shall be blocked securely.

57.10-48 *Mandatory-UAC.* Railroad cars with braking systems, when in use, shall be equipped with effective brake shoes.

57.10-49 Long material should be transported by a method designed to prevent any overhang from creating a hazard.

57.10-50 *Mandatory-UAC.* Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

57.10-51 *Mandatory-UAC.* Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

57.10-52 *Mandatory-UAC.* Inability of the motorman to clearly recognize the brakeman's signals when the train is under the direction of the brakeman shall be construed by the motorman as a stop signal.

57.10-53 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.

57.10-54 *Mandatory-UAC.* Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

57.10-55 Where the ground at a dumping place may fall to support the weight of a loaded dump truck, trucks should be dumped back from the edge of the bank.

57.10-56 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.

57.10-57 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.

57.10-58 *Mandatory-UAC.* If truck spotters are used, they shall be well in the clear while trucks are backing into dumping position and dumping; lights shall be used at night to direct trucks.

57.10-59 *Mandatory-UAC.* Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails.

57.10-60 *Mandatory-UAC.* Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

57.10-61 *Mandatory-UAC.* Stockpile and muckpile faces shall be trimmed to prevent hazards to personnel.

57.10-62 *Mandatory-UAC.* Rocks too large to be handled safely shall be broken before loading.

57.10-63 Ramps and dumps should be of solid construction, of ample width, have ample side clearance and headroom, and be kept reasonably free of spillage.

57.10-64 *Mandatory-UAC.* Chute-loading

installations shall be designed so that men pulling chutes are not required to assume hazardous positions while loading cars.

57.10-65 Cars should not be coupled or uncoupled manually from the inside of curves.

57.10-66 A locomotive on one track should not be used to move equipment on a different track unless a chain or drawbar is used.

57.10-67 *Mandatory-UAC.* Facilities used to transport men to and from work areas shall not be overcrowded.

57.10-68 *Mandatory-UAC.* Lights, flares, or other warning devices shall be posted when parked equipment creates a hazard to vehicular traffic.

57.10-69 *Mandatory-UAC.* Tires shall be deflated before repairs on them are started and adequate means shall be provided to prevent wheel locking rims from creating a hazard during tire inflation.

57.10-70 A tow bar should be used to tow heavy equipment. A safety chain should be used in conjunction with the tow bar.

SURFACE ONLY

57.10-81 *Mandatory-UAC.* Trucks, shuttle cars, and front-end loaders shall be equipped with emergency brakes separate and independent of the regular braking system.

57.10-82 In areas where weather conditions justify, haulage trucks with cabs should be equipped with heaters and/or air conditioners maintained in good condition.

57.10-83 *Mandatory-UAC.* Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

57.10-84 Traffic rules, signals, and warning signs should be standardized at each mine and posted.

57.10-85 *Mandatory-UAC.* Supplies, materials, and tools other than small hand tools shall not be transported with men in man-trip vehicles, unless such vehicles are specifically designed to make such transportation safe.

57.10-86 Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

UNDERGROUND ONLY

57.10-95 *Mandatory-UAC.* Where the design and operation of trucks, shuttle cars, and front-end loaders are such as to make it feasible and necessary they shall be equipped with emergency brakes separate and independent of the regular braking system.

57.10-96 Supplies, materials, or tools, except properly secured rerailing devices, should not be carried on top of locomotives.

57.10-97 *Mandatory-UAC.* Trains shall be brought to a complete stop, then moved very slowly when coupling or uncoupling cars manually.

57.10-98 *Mandatory-UAC.* Makeshift couplings shall not be used.

57.10-99 *Mandatory-UAC.* Supplies, materials, and tools other than small hand tools shall not be transported with men in man-trip cars. Man trips shall not be operated independently of ore and supply trips.

57.10-100 Pneumatic-powered loading equipment should be provided with a valve to close the air line at the machine; this valve should be closed except when the machine is being operated.

57.10-101 *Mandatory.* Steps shall be provided for rocker-type loading machines and operators shall stand on the step when operating the machine.

57.10-102 *Mandatory-UAC.* When a signalman is used during slushing operations he shall be positioned in a safe place.

57.10-103 *Mandatory-UAC.* Collars of open draw holes shall be kept free of muck and material.

57.10-104 Warning devices or conspicuous

markings should be installed when chute lips create a hazard to personnel.

57.10-105 Empty chutes should be properly guarded prior to filling or sufficient material should be left in the chute bottom to prevent rock from flying out when broken material is dumped into the chute.

57.10-106 *Mandatory-UAC*. Ample warning shall be given to men who may be affected by the draw or otherwise exposed to danger from chute-pulling operations.

57.10-107 *Mandatory-UAC*. Men shall not stand on broken rock or ore over draw points if there is danger that the chute will be pulled. Suitable platforms or safety lines shall be provided when work must be done in such areas.

57.10-108 Men attempting to loosen hangups should work with extreme caution.

57.10-109 Men should not work or pass under hung draw openings unless the openings are blocked effectively.

57.10-110 *Mandatory-UAC*. Shelter holes shall be provided to ensure the safety of men along haulageways where continuous clearance of at least 30 inches from the farthest projection of moving equipment on at least one side of the haulageway cannot be maintained.

57.10-111 Shelter holes should be at least 4 feet wide, marked conspicuously, and should provide a minimum of 40 inches clearance from the farthest projection of moving equipment.

57.10-112 Trip lights or approved reflectors should be used on the rear of pulled trips and on the front of pushed trips.

57.10-113 *Mandatory-UAC*. Man trips shall be operated at speeds consistent with the condition of tracks and equipment used.

57.10-114 *Mandatory-UAC*. Where man trips are used, discharge and boarding points shall be designated. Men shall not board or leave moving man-trip cars.

57.10-115 Man-trip passengers should ride on the side of the car opposite the trolley wire, unless covered man cars are provided.

57.10-116 *Mandatory-UAC*. During shift changes the movement of rock or material trains shall be limited to areas where such trains could not present a hazard to men coming on or going off shift.

57.10-117 *Mandatory-UAC*. Men shall not ride between cars or on top of loaded cars.

§ 57.11 Aerial tramways.

SURFACE ONLY

57.11-1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.

57.11-2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer or as physical conditions warrant. Records of rope maintenance and inspections should be kept.

57.11-3 *Mandatory-UAC*. Any hazardous defects shall be corrected before the equipment is used.

57.11-4 Positive-action type brakes should be provided on aerial tramways.

57.11-5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

57.11-6 Guards should be installed to prevent swaying buckets from hitting towers.

57.11-7 *Mandatory-UAC*. Guard nets shall be provided where tramways pass over roadways, walkways, and buildings.

57.11-8 *Mandatory-UAC*. Persons other than maintenance men shall not ride aerial tramways unless the following features are provided:

(a) Two independent brakes, each capable of holding the maximum load.

(b) Direct communication between terminals.

(c) Power drives with emergency power available in case of primary power failure.

(d) Buckets equipped with positive locks to prevent accidental tripping or dumping.

57.11-9 *Mandatory-UAC*. Men shall not ride loaded buckets.

57.11-10 *Mandatory-UAC*. Where possible aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

§ 57.12 Travelways.

GENERAL—SURFACE AND UNDERGROUND

57.12-1 *Mandatory-UAC*. Safe means of access shall be provided and maintained to all working places.

57.12-2 *Mandatory-UAC*. Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

57.12-3 *Mandatory-UAC*. Ladders shall be of substantial construction and maintained in good condition.

57.12-4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on secure footing.

57.12-5 *Mandatory-UAC*. Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

57.12-6 *Mandatory-UAC*. Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

57.12-7 Wooden members of ladders should not be painted.

57.12-8 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

57.12-9 *Mandatory-UAC*. Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts. Inclined railed walkways shall be non-skid or provided with cleats.

57.12-10 Vertical clearance above stair steps should be a minimum of 7 feet.

57.12-11 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

57.12-12 *Mandatory-UAC*. Openings above, below, or near travelways through which men or materials may fall shall be protected by railing, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

57.12-13 *Mandatory-UAC*. Crossovers shall be provided where it is necessary to cross conveyors.

57.12-14 *Mandatory-UAC*. Moving conveyors shall be crossed only at designated crossover points.

57.12-15 Slippery walkways should be provided with cleats and handrails and/or ropes.

57.12-16 *Mandatory-UAC*. Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

57.12-17 Fixed ladders should not incline backwards at any point unless provided with backguards.

SURFACE ONLY

57.12-25 Fixed ladders should be offset and have substantial landings at least every 30 feet unless backguards are provided.

57.12-26 Steep fixed ladders (70° to 90° from the horizontal) 30 feet or more in length should be provided with backguards, cages, or equivalent protection, starting at a point not more than 7 feet from the bottom of the ladder.

57.12-27 *Mandatory-UAC*. Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floorboards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

UNDERGROUND ONLY

57.12-35 Flexible ladders should be used only where rigid ladders may be impractical.

57.12-36 *Mandatory-UAC*. Trap doors or adequate guarding shall be provided in ladderways at each level. Doors shall be kept operable.

57.12-37 The minimum, unobstructed cross-sectional opening in ladderways should be 24 inches by 24 inches.

57.12-38 Warning should be given and acknowledged before entering a manway above or below where men are working.

57.12-39 Working floors in square-set stopes should be lagged closely and securely, and open sets should be equipped with guardrails.

57.12-40 Designated travelways steeper than 30° from the horizontal should be provided with ladders or stairways.

57.12-41 Ladders with an inclination of more than 70° off the horizontal should be offset and have landing gates, backguards or substantial landings at least every 30 feet.

§ 57.13 Escapeways.

UNDERGROUND ONLY

57.13-1 *Mandatory-UAC*. Every mine shall have two separate properly maintained escapeways to the surface which are so positioned that damage to one shall not lessen the effectiveness of the other, or a method of refuge shall be provided when only one opening to the surface is possible.

57.13-2 *Mandatory-UAC*. Escape routes shall be:

(a) Inspected at regular intervals and maintained in safe, travelable condition.

(b) Marked with conspicuous and easily read direction signs that clearly indicate the ways of escape.

57.13-3 *Mandatory-UAC*. Refuge areas shall be:

(a) Of fire-resistant construction preferably in untimbered areas of the mine.

(b) Large enough to accommodate readily the normal number of men in the particular area of the mine.

(c) Constructed so they can be made gas-tight.

(d) Provided with compressed air lines, waterlines, suitable handtools, and stopping materials.

57.13-4 *Mandatory-UAC*. Mine maps shall be posted and available showing escape routes, directions of principal airflow, locations of telephones, fire doors, ventilation doors, and brought up to date as necessary.

57.13-5 *Mandatory-UAC*. Telephone or other voice communication shall be provided between the surface and refuge chambers and such systems shall be independent of the mine power supply.

57.13-6 *Mandatory-UAC*. Designated escapeways inclined more than 30 degrees from the horizontal shall be equipped with stairways, ladders, cleated walkways, or emergency hoisting facilities.

57.13-7 Emergency hoisting facilities should conform to the extent possible to safety requirements for other man hoists, should be adequate to remove the men from the mine with a minimum of delay, be maintained in ready condition, and be tested at least every 30 days; records should be kept of these tests.

§ 57.14 Electricity.

GENERAL—SURFACE AND UNDERGROUND

57.14-1 *Mandatory*. Circuits shall be protected against excessive overload by fuses or circuit breakers of the correct type and capacity.

57.14-2 *Mandatory-UAC*. Electric equipment and circuits shall be provided with switches or other controls. Such switches or controls shall be of approved design and construction and shall be properly installed.

57.14-3 *Mandatory*. Individual overload protection or short-circuit protection shall be provided for the trailing cables of mobile equipment.

57.14-4 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

57.14-5 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless the cables are properly bridged or protected.

57.14-6 Distribution boxes should be provided with disconnect switches.

57.14-7 *Mandatory-UAC.* Trailing cable and power-cable connections to junction boxes shall not be made or broken under load.

57.14-8 Power wires and cables should be insulated adequately where they pass into or out of electrical compartments.

57.14-9 Power wires and cables which present a fire hazard should be well installed on acceptable insulators.

57.14-10 Telephone and low-potential electric signal wires should be protected from contacting energized powerlines.

57.14-11 *Mandatory-UAC.* High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

57.14-12 The potential on bare signal wires accessible to personal contact should not exceed 40 volts.

57.14-13 Splices in power cables, including ground conductor, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity.

(b) Effectively insulated and sealed to exclude moisture.

(c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original.

57.14-14 *Mandatory-UAC.* Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

57.14-15 *Mandatory-UAC.* Energized high-potential cables shall be handled with insulated hooks or tongs.

57.14-16 *Mandatory-UAC.* Electrical equipment shall be deenergized before work is done on such equipment. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who install them.

57.14-17 *Mandatory-UAC.* Power circuits shall be deenergized before work is done on such circuits unless hot-line tools are used. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

57.14-18 *Mandatory-UAC.* Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

57.14-19 At least 3 feet of clearance should be provided around all parts of stationary electric equipment or switchgear where access or travel is necessary.

57.14-20 *Mandatory-UAC.* Dry wooden platforms, insulating mats, or other electrically nonconductive material shall be kept in place at all switchboards and power-control switches where shock hazards exist. However, metal plates on which a person normally would stand, and kept at the same potential as the grounded metal noncurrent carrying parts of the power switches to be operated may be used.

57.14-21 *Mandatory-UAC.* Suitable danger signs shall be posted at all major electrical installations.

57.14-22 Areas containing major electrical installations should be entered only by authorized personnel.

57.14-23 *Mandatory-UAC.* Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

57.14-24 Reverse-current protection should be provided at storage-battery charging stations.

57.14-25 *Mandatory-UAC.* All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

57.14-26 *Mandatory-UAC.* Metal fencing

and metal buildings enclosing transformers and switchgear shall be grounded.

57.14-27 *Mandatory-UAC.* Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

57.14-28 *Mandatory-UAC.* Continuity and resistance of grounding systems shall be tested immediately after installation.

57.14-29 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

57.14-30 *Mandatory-UAC.* When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

57.14-31 Electric motors, switches, and controls exposed to damaging dust or water should be of dusttight or watertight construction.

57.14-32 Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

57.14-33 *Mandatory-UAC.* Hand-held electric tools shall not be operated at high potential voltages.

57.14-34 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

57.14-35 Lamp sockets exposed to the weather should be of a weatherproof type.

57.14-36 *Mandatory-UAC.* Circuits shall be deenergized before fuses are removed or replaced.

57.14-37 *Mandatory-UAC.* Fuse tongs or hot-line tools shall be used when fuses are removed or replaced in high-potential circuits.

57.14-38 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

57.14-39 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in cable boots or on reels mounted on the equipment or otherwise protected from mechanical damage.

57.14-40 *Mandatory-UAC.* Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

57.14-41 *Mandatory-UAC.* Switches and starting boxes shall be of safe design and capacity.

57.14-42 Both rails should be bonded or welded at every joint. Rails should be crossbonded at least every 200 feet if the track serves as the return trolley circuit, except where a control signal can not be used on a crossbonded track.

57.14-43 *Mandatory-UAC.* Equipment with booms or masts which are not properly protected shall not be operated where the booms or masts can come within 10 feet of an energized overhead powerline.

57.14-44 Lighting arrester grounds should be connected to earth at least 10 feet from the track or mine return circuit.

57.14-45 *Mandatory-UAC.* Overhead high-potential powerlines shall be installed as specified by the National Electrical Safety Code.

57.14-46 *Mandatory-UAC.* When equipment must be moved under energized powerlines and the clearance is less than 10 feet, the powerlines shall be deenergized or other precautions shall be taken.

57.14-47 *Mandatory-UAC.* Guy wires of poles supporting high-potential conductors shall be equipped with insulators installed near the pole end.

57.14-48 *Mandatory-UAC.* Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Safety Code.

57.14-49 Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

57.14-50 Trolley wires should be aligned

properly and installed at least 6 inches outside and 7 feet above the track.

57.14-51 Trolley wire hangers should be spaced so that the wire will not sag more than 3 inches between hangers and so that the wire may be detached from any one hanger without creating a shock hazard.

57.14-52 Trolley wires and trolley feeder wires should be provided with sectionalizing switches at man-trip stations and near the beginning of all branch lines.

57.14-53 Ground wires for lighting circuits powered from trolley wires should be connected securely to the ground return circuit.

57.14-54 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

SURFACE ONLY

57.14-65 *Mandatory-UAC.* Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

57.14-66 *Mandatory-UAC.* Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

57.14-67 *Mandatory-UAC.* Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

57.14-68 *Mandatory-UAC.* Transformer enclosures shall be kept locked against unauthorized entry.

57.14-69 Lightning arresters should be provided where telephone circuits enter a mine; mine telephone extensions in surface buildings should be provided with a lightning arrester for each circuit entering the building.

57.14-70 Each exposed power circuit that leads underground should be equipped with lightning arresters of an approved type at or near the point where the circuit enters the mine.

UNDERGROUND ONLY

57.14-80 *Mandatory-UAC.* Trolley wires and bare power conductors shall be guarded where men work or pass beneath.

57.14-81 Metal pipelines 1,000 feet or more in length along haulage roads where grounded return circuits are used should be bonded to the return at the ends and at intervals not exceeding 500 feet.

57.14-82 *Mandatory-UAC.* Powerlines shall be well separated or insulated from waterlines, telephone lines, and air lines.

57.14-83 Power cables in shafts and boreholes should be fastened securely in such manner as to prevent undue strain on the sheath, insulation, or conductors.

57.14-84 Disconnecting switches that can be opened safely under load should be provided underground at all primary power circuits near shafts, levels, and boreholes.

57.14-85 *Mandatory-UAC.* Transformer stations shall be enclosed to prevent persons from unintentionally or inadvertently contacting energized parts.

57.14-86 Trolley and trolley feeder wires should be installed opposite the clearance side of haulage ways.

57.14-87 Not more than five splices should be made in any trailing cable unless they are vulcanized.

57.14-88 On machines not using cable reels, no splices should be present in the first 25 feet of trailing cable adjacent to the equipment.

57.14-89 *Mandatory-UAC.* The potential on trolley wires and bare feeder lines shall not exceed 650 volts.

§ 57.15 Compressed air and boilers.

GENERAL—SURFACE AND UNDERGROUND

57.15-1 *Mandatory-UAC.* All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the

American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

COMPRESSED AIR

57.15-10 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 50° less than the flash points of the lubricating oils.

57.15-11 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gauges, and drain valves.

57.15-12 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

57.15-13 Compressed-air receivers should be drained of moisture and oil at least once each operating shift.

57.15-14 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

57.15-15 Compressed-air receivers and other pressure vessels should be inspected internally at least once a year by qualified inspectors; records of such inspections should be kept.

57.15-16 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

57.15-17 Compressor discharge pipes should be cleaned periodically.

57.15-18 Safety devices on compressed-air systems should be checked at the beginning of each shift.

57.15-19 *Mandatory-UAC.* Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been bled off.

57.15-20 *Mandatory-UAC.* At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

57.15-21 *Mandatory-UAC.* Safety chains or suitable locking devices shall be used at connections to machines of high pressure hose lines of 1 inch inside diameter or larger, and between high pressure hose lines of 1 inch inside diameter or larger, where a connection failure would create a hazard.

BOILERS

57.15-30 Boilers should be equipped with guarded well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

57.15-31 Boilers should be equipped with automatic pressure-relief valves; valves should be tested each shift.

57.15-32 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame outs, fuel interruptions, and low-water level.

57.15-33 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

57.15-34 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 57.16 Use of equipment.

GUARDS

GENERAL—SURFACE AND UNDERGROUND

57.16-1 *Mandatory-UAC.* Gears, sprockets; chains; drive, head, tail, and takeup pulleys; flywheels; couplings; shafts; sawblades; fan inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons, shall be guarded.

57.16-2 *Mandatory-UAC.* Overhead belts shall be guarded if the whipping action from

a broken belt would be hazardous to persons below.

57.16-3 Guards at conveyor drive, head, and tail pulleys should extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the pulley.

57.16-4 Openings where conveyors pass through walls or floors should be guarded.

57.16-5 Protruding setscrews on revolving parts should be guarded.

57.16-6 *Mandatory-UAC.* Except when testing the machinery, guards shall be securely in place while machinery is being operated.

57.16-7 Guards should be sufficiently strong and maintained to provide the required protection.

57.16-8 *Mandatory-UAC.* Stationary grinding machines other than special bit grinders shall be equipped with:

(a) Peripheral hoods (less than 90° throat openings) capable of withstanding the force of a bursting wheel.

(b) Adjustable tool rests set as close as practical to the wheel.

(c) Safety washers.

57.16-9 *Mandatory-UAC.* Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

57.16-10 *Mandatory-UAC.* Hand-held power tools, other than rock drills, shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety-devices.

57.16-11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

57.16-12 Industrial vehicles such as forklift trucks, front-end loaders, and bulldozers should be provided with roll protection when necessary to protect the operator.

57.16-13 *Mandatory-UAC.* Forklift trucks, front-end loaders, and bulldozers shall be provided with substantial canopies when necessary to protect the operator.

57.16-14 *Mandatory-UAC.* Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

METHODS AND PROCEDURES

GENERAL—SURFACE AND UNDERGROUND

57.16-25 Machinery and equipment should be maintained properly.

57.16-26 *Mandatory-UAC.* Unsafe equipment or machinery shall be removed from service immediately.

57.16-27 Machinery and equipment should be operated only by authorized and experienced persons.

57.16-28 Adequate clearance should be provided at machine installations.

57.16-29 *Mandatory-UAC.* Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

57.16-30 *Mandatory-UAC.* Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

57.16-31 *Mandatory-UAC.* Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

57.16-32 *Mandatory-UAC.* Belts, chains, and ropes shall not be guided onto power-driven moving pulleys, sprockets, or drums with the hands except on slow moving equipment especially designed for hand feeding.

57.16-33 *Mandatory-UAC.* Pulleys of conveyors shall not be cleaned manually while the conveyor is in motion.

57.16-34 *Mandatory-UAC.* Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

57.16-35 *Mandatory-UAC.* Machinery shall not be lubricated while in motion where a

hazard exists, unless equipped with extended fittings or cups.

57.16-36 Tools and equipment should be used only for the purposes and within the capacity for which they were intended and designed.

SURFACE ONLY

57.16-45 *Mandatory-UAC.* Welding operations shall be shielded and well ventilated.

UNDERGROUND ONLY

57.16-55 Welding operations should be shielded and well ventilated.

§ 57.17 Personal protection.

GENERAL—SURFACE AND UNDERGROUND

57.17-1 *Mandatory-UAC.* Adequate first-aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

57.17-2 *Mandatory.* All persons shall wear suitable hard hats when in or around a mine or plant where falling objects may create a hazard.

57.17-3 *Mandatory.* All persons shall wear suitable protective footwear when in or around a mine or plant where a hazard exists.

57.17-4 *Mandatory-UAC.* All persons shall wear safety glasses, goggles, or face shields when in or around a mine or plant.

57.17-5 *Mandatory-UAC.* Safety belts and lines shall be worn when men work where there is danger of falling; a second person shall tend the lifeline when bins, tanks, or other dangerous areas are entered.

57.17-6 Protective clothing, rubber gloves, goggles, or face shields should be worn by persons handling substances that are corrosive, toxic, or injurious to the skin.

57.17-7 *Mandatory-UAC.* Protective clothing or equipment and face shields or goggles shall be worn when welding, cutting, or working with molten metal.

57.17-8 Snug-fitting clothing should be worn around moving equipment and machinery.

57.17-9 Protective gloves should be worn by employees handling materials which may cause injury.

57.17-10 Gloves should not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

57.17-11 Finger rings should not be worn while working in or around a mine or plant.

57.17-12 Effective ear protection should be worn where noise levels may cause permanent ear damage or hearing loss, or noise should be reduced to safe levels.

57.17-13 Where there is danger of a vehicle overturning, seat belts should be used.

SURFACE ONLY

57.17-20 *Mandatory-UAC.* Life jackets or belts shall be worn where there is danger of falling into water.

§ 57.18 Materials storage and handling.

GENERAL—SURFACE AND UNDERGROUND

57.18-1 Materials should be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

57.18-2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

57.18-3 *Mandatory-UAC.* Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

57.18-4 *Mandatory-UAC.* Hazardous materials shall be stored in containers of a type approved for such use by recognized agencies; such containers shall be labeled appropriately.

57.18-5 *Mandatory-UAC.* Compressed and liquid gas cylinders shall be secured in a safe manner.

57.18-6 *Mandatory-UAC.* Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and

by a safe location when the cylinders are in use.

57.18-7 Hitches and slings used to hoist materials should be designed and used properly for the particular material handled.

57.18-8 Taglines should be attached to suspended materials that require steadying.

57.18-9 **Mandatory-UAC.** Men shall stay clear of suspended loads.

57.18-10 Materials should not be dropped from an elevation unless the drop area is guarded or sufficient warning is given.

57.18-11 **Mandatory-UAC.** Men shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

57.18-12 Substances that react violently or liberate dangerous fumes when mixed should be stored in such a manner that they cannot come in contact with each other.

57.18-13 Only men wearing protective equipment should stand near pots or ladles when molten material is being handled; warning should be given before a pour is made or the pot is moved.

57.18-14 **Mandatory-UAC.** Operator-carrying overhead cranes shall be provided with:

- (a) Bumpers at each end of each rail.
- (b) Automatic switches to halt uptravel of the blocks before they strike the hoist.
- (c) Effective audible warning signals within easy reach of the operator.
- (d) A means to lockout the disconnect switch.

57.18-15 **Mandatory-UAC.** No person shall work from or travel on the bridge of an overhead crane unless the bridge is provided with substantial footwalks with toeboards and railings the length of the bridge.

57.18-16 Forklift trucks should be moved with the load in a low position and should descend ramps with the load behind.

UNDERGROUND ONLY

57.18-35 Chairs should be used to land shaft conveyances when heavy supplies or equipment are being handled.

§ 57.19 Illumination.

SURFACE ONLY

57.19-10 **Mandatory-UAC.** Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas.

UNDERGROUND ONLY

57.19-20 **Mandatory-UAC.** Individual electric lamps shall be carried for illumination by all persons underground.

§ 57.20 Safety programs.

GENERAL—SURFACE AND UNDERGROUND

57.20-1 The employer should establish a definite, effective and continually functioning safety program and make every attempt to prevent accidents and increase safety. Employees should actively participate in the safety program.

57.20-2 Regular safety inspections should be made by company officials and/or safety committees. Written reports should be made of the findings and the actions recommended or taken; this information should be made available to the employees.

57.20-3 Serious accidents, whether resulting in injury or not, should be investigated to determine the cause and the means of preventing recurrence. Records of these investigations should be kept and the information should be made available to the employees.

57.20-4 Company safety regulations pertinent to the various operations should be published or posted for employee information.

57.20-5 All employees and officials should be familiar with company, State, and Federal safety regulations.

57.20-6 **Mandatory-UAC.** New employees shall be indoctrinated in safety rules and safe work procedures.

57.20-7 Inexperienced employees should be assigned to work with experienced men until such employees have acquired the necessary skills to perform their duties safely.

57.20-8 Each working place should be visited by a supervisor or a designated person at least once each shift and more frequently as necessary to insure that work is being done in a safe manner.

57.20-9 An authorized person should be in charge at all times when men are working.

57.20-10 Selected supervisors should be trained in first-aid. First-aid training should be made available to all employees.

57.20-11 All supervisors and employees should be trained in accident prevention.

57.20-12 **Mandatory-UAC.** Emergency telephone numbers shall be posted at appropriate telephones.

57.20-13 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

57.20-14 **Mandatory-UAC.** Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

SURFACE ONLY

57.20-20 **Mandatory-UAC.** No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard or can be seen.

UNDERGROUND ONLY

57.20-25 **Mandatory-UAC.** No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless his cries for help can be heard or he can be seen.

57.20-26 Operations should not be resumed in a mine following a mine disaster until such mine has been inspected and the mine is found to be in a safe condition to resume operations.

57.20-27 **Mandatory-UAC.** An accurate record of the men going in and out of the mine shall be kept on the surface.

§ 57.21 Man hoisting.

The hoisting standards in this section apply to those hoists and appurtenances used for hoisting men. However, where men may be endangered by hoists and appurtenances used solely for handling ore, rock, and materials, the appropriate standards should be applied.

HOISTS

57.21-1 **Mandatory-UAC.** Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

57.21-2 **Mandatory-UAC.** Hoists shall be anchored securely.

57.21-3 **Mandatory-UAC.** Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

57.21-4 **Mandatory-UAC.** Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

57.21-5 **Mandatory-UAC.** The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

57.21-6 **Mandatory-UAC.** Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

57.21-7 **Mandatory-UAC.** Man hoists shall be provided with devices to prevent overtravel and overspeed.

57.21-8 Friction hoists should be provided with synchronizing mechanisms that recalculate the overtravel devices and position indicators to correct for rope creep or stretch.

57.21-9 **Mandatory-UAC.** An accurate and

reliable indicator of the position of the cage, skip, bucket, or cars, in the shaft shall be provided.

57.21-10 **Mandatory-UAC.** Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

57.21-11 Flanges on drums should extend radially a minimum of 3 rope diameters beyond the last wrap.

57.21-12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

WIRE ROPE

57.21-20 The United States of America Standards Institute specifications cited in "Wire Ropes for Mines," M11.1-1960, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

57.21-21 **Mandatory-UAC.** The following static-load safety factors shall be used for selecting ropes to be used for hoisting men and for determining when such ropes shall be removed from man hoists.

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less	8	6.4
501 to 1,000	7	5.8
1,001 to 2,000	6	5.0
2,001 to 3,000	5	4.3
3,001 or more	4	3.6

57.21-22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

57.21-23 The end of the rope at the drum should make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and should be fastened securely by means of rope clips or clamps. This provision does not apply to friction hoists.

57.21-24 **Mandatory-UAC.** The rope shall be attached to the load by the thimble and clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of babbitt metal or lead for socketing wire ropes is prohibited. If the thimble and clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

(b) The U-bolt of each clip shall encircle the short or "dead" end of the rope and the distance between clips shall not be less than the figures given in the accompanying table.

(c) The following number of clips or equivalent shall be used for various diameters of six strand 19 wire plow steel ropes: (Follow manufacturer's recommendations for other kinds of wire rope and clips.)

Diameter of rope, inches	Number of clips	Center-to-center spacing of clips, inches
3/4	4	41 1/2
7/8	4	51 1/2
1	4	6
1 1/8	5	63 1/2
1 1/4	5	71 1/2
1 3/8	6	81 1/2
1 1/2	6	9
1 5/8	6	93 1/2
1 3/4	7	101 1/2
1 7/8	8	111 1/2
2	8	12
2 1/8	8	13
2 1/4	8	14

(d) For all ropes less than three-fourths inch in diameter, at least four clips or equivalent shall be used.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in these regulations.

57.21-25 New ropes should be broken-in in accordance with the manufacturer's recommendations.

57.21-26 Corrosion of hoist ropes at the attachment of safety connections should be minimized by the design of the attachment devices and by lubrication.

57.21-27 Where possible, conveyances attached to single ropes used to hoist men should be provided with secondary safety connections.

HEADFRAMES AND SHEAVES

57.21-35 Headframes should be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

57.21-36 Headframes should be high enough to provide at least 15 feet of clearance between the bottom of the sheave or drum and the uppermost part of the highest rope connection of the conveyance when the conveyance is at its uppermost man landing.

57.21-37 Fleet angles should not exceed 1½ degrees.

57.21-38 *Mandatory-UAC*. Platforms with toeboards and handrails shall be provided around elevated head sheaves.

57.21-39 Diameters of head sheaves and hoist drums should conform to the following specifications:

Rope construction	Diameter of sheave and drum	
	Recommended (Times rope diameter)	Minimum (Times rope diameter)
6 x 7 classification.....	72	42
6 x 19.....	45	30
6 x 37.....	27	18
6 x 25 type B, flattened strand.....	45	30
6 x 27 type H, flattened strand.....	45	30
6 x 30 type G, flattened strand.....	45	30
18 x 7 classification.....	51	34

57.21-40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where necessary machined to the proper contour and the proper groove diameter.

CONVEYANCES

57.21-25 *Mandatory-UAC*. Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any incline shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

57.21-46 *Mandatory*. Man cages shall be fireproof, of substantial construction and provided with:

(a) Fully enclosed sides, and safety gates; gates shall be at least 5 feet high and have no openings except those necessary for signaling.

(b) Escape hatches.

(c) Safety catches. This provision, (c), does not apply to friction-hoist cages that are suspended from more than one pin.

57.21-47 *Mandatory*. All skips conveying men shall be provided with:

(a) Safety catches. This provision, (a), does not apply to friction-hoists' skips that are suspended from more than one pin.

(b) Safe means of access.

(c) Platforms, where necessary, to provide safe footing.

(d) Stop controls to prevent travel into the dumping position.

(e) Anchored platforms inside the skips, if they are bottom-dumping.

(f) Devices to prevent tilting.

57.21-48 *Mandatory*. Man cars shall be of substantial construction and provided with:

(a) Drags or equivalent safety devices on the last car of man trips operated in inclined shafts where guides are not provided.

(b) Safety catches if guides are provided.

(c) Secondary safety connections where possible.

(d) Safety chains or wire ropes between cars.

(e) Adequate seating for the number of men handled.

57.21-49 *Mandatory-UAC*. Buckets used to hoist men during shaft sinking operations shall have:

(a) Crossheads equipped with safety catches and protective bonnets when the shaft depth exceeds 50 feet.

(b) Devices to prevent accidental dumping.

(c) Sufficient depth to transport men safely in a standing position.

HOISTING PROCEDURES

57.21-55 *Mandatory-UAC*. When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

57.21-56 When automatic hoisting is used, a qualified hoistman should be in attendance on the premises while any person is underground.

57.21-57 Hoistmen should be physically fit and should undergo yearly examinations to determine their continued fitness; certification to this effect should be available at the mine.

57.21-58 *Mandatory-UAC*. Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

57.21-59 *Mandatory-UAC*. Whenever a regular shift of men is being hoisted or lowered by a manually operated hoist, a second man familiar with and qualified to stop the hoist shall be in attendance; this provision shall not apply to sinking operations, level development, or repair operations in the mine.

57.21-60 Hoistmen should use extreme caution when hoisting or lowering men.

57.21-61 The safe speed should be determined for each shaft; in no instances should this speed exceed 2,500 feet per minute for hoisting men.

57.21-62 Maximum acceleration and deceleration should not exceed 6 feet per second.

57.21-63 Only authorized personnel should be in hoist rooms.

57.21-64 Conveyances intended to be operated in balance should not be balanced when men are on the cage.

57.21-65 *Mandatory-UAC*. Conveyances shall not be lowered by the brakes alone except during emergencies.

57.21-66 Management should designate the maximum number of men permitted to ride on a trip at one time; this limit should be posted on each landing.

57.21-67 Authorized persons should be in charge of all man trips.

57.21-68 Men should enter, ride, and leave conveyances in an orderly manner.

57.21-69 *Mandatory-UAC*. Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

57.21-70 *Mandatory-UAC*. Cage doors or gates shall be closed while men are being hoisted; they shall not be opened until the cage has come to a stop.

57.21-71 *Mandatory-UAC*. Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small hand tools.

57.21-72 When combinations of cages and skips are used, the skips should be empty while men are being transported.

57.21-73 *Mandatory-UAC*. Rock or supplies shall not be hoisted in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned

to prevent spillage into the cage compartment.

57.21-74 Men should not ride the ball, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

57.21-75 *Mandatory-UAC*. Open hooks shall not be used to hoist buckets or other conveyances.

57.21-76 When men are hoisted, bucket speeds should not exceed 500 feet a minute, and should not exceed 200 feet a minute when within 100 feet of a landing.

57.21-77 *Mandatory-UAC*. Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

57.21-78 Buckets should be stopped after being raised 3 feet when men are hoisted from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bellcord should be attended constantly until the crosshead has been engaged.

57.21-79 *Mandatory-UAC*. Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

57.21-80 *Mandatory-UAC*. When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

57.21-81 Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

SIGNALING

57.21-90 *Mandatory-UAC*. There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

57.21-91 Hoistmen should not accept hoisting instructions by telephone unless the regular signaling systems are out of order. During such an emergency one person should be designated to direct movement of the conveyance.

57.21-92 A method should be provided to signal hoist operators from within conveyances at any point in the shaft.

57.21-93 A standard code of hoisting signals should be adopted and used at each mine.

57.21-94 *Mandatory-UAC*. A legible signal code shall be posted prominently in the hoist house within easy view of the hoistmen, and at each place where signals are given or received.

57.21-95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

57.21-96 *Mandatory-UAC*. Any person responsible for receiving or giving signals for cages, skips, and mantrips when men or materials are being transported shall be familiar with the posted signaling code.

SHAFTS

57.21-100 *Mandatory-UAC*. Shaft landing shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

57.21-101 *Mandatory-UAC*. Positive stop-blocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

57.21-102 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

57.21-103 Dumping facilities should be so constructed as to minimize spillage into the shaft.

57.21-104 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

57.21-105 *Mandatory-UAC*. A safe means of passage around open shaft compartments

shall be provided on landings with more than one entrance to the shaft.

57.21-106 Shaft timbers should be kept clean of rocks and other loose material.

57.21-107 *Mandatory-UAC.* Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the hoist.

57.21-108 "Men Working in Shaft" signs should be posted at the signal devices at all active stations and landings when men are working in a compartment affected by that hoisting operation.

57.21-109 *Mandatory.* Shaft inspection and repair work shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

57.21-110 *Mandatory-UAC.* A Substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

57.21-111 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.

INSPECTION AND MAINTENANCE

57.21-120 *Mandatory-UAC.* A systematic procedure of inspection, testing, and maintaining of shafts and hoisting equipment shall be developed and followed. If it is found or suspected that any part is not functioning properly, the hoist shall not be used until the malfunction has been located and repaired or adjustments have been made.

57.21-122 Parts used to repair hoists kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.

57.21-122 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.

57.21-123 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

57.21-124 Ropes should be cut off and reconnected to the conveyance as often as necessary to assure adequate inspection of rope condition and to effectively distribute wear of the rope. At least 6 feet should be cut from the rope above the highest connection; this portion should be examined carefully for corrosion, damage, wear, and fatigue by the rope manufacturer or an equally competent agency.

57.21-125 Hoisting ropes wound in multiple layers should be cut off and repositioned on the drum at regular intervals as necessary to effectively distribute wear of the rope. The length of the cutoff at the drum end should be greater than, but not an even multiple of, the circumference of the drum.

57.21-126 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

(a) Immediately above the socket or clips and above the safety connection.

(b) Where the ropes rest on the sheaves.

(c) Where the ropes leave the drums when the conveyances are at the regular stopping points.

(d) Where a layer of rope begins to overlap another layer on the drum.

51.21-127 *Mandatory-UAC.* Electromagnetic or other nondestructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspection and tests.

57.21-128 *Mandatory-UAC.* Ropes shall not be used for hoisting when they have:

(a) More than six broken wires in any lay.

(b) Crown wires worn to less than 65 percent of the original diameter.

(c) A marked amount of corrosion or distortion.

(d) A combination of similar factors in-

dividually less severe than those above but which in aggregate might create an unsafe condition.

57.21-129 *Mandatory.* Hoistman shall examine their hoist and shall test overtravel, overspeed, and deadman controls, position indicators, and braking mechanisms at the beginning of each shift.

57.21-130 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

57.21-131 Rope and conveyance connections to conveyances should be inspected daily.

57.21-132 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

57.21-133 Shafts should be inspected at least weekly.

57.21-134 Sheaves should be inspected daily and kept properly lubricated.

57.21-135 Rollers used in inclined shafts should be lubricated, properly aligned and kept in good repair.

57.22 Gassy mines.

Gassy mines shall be operated in accordance with all mandatory standards in this part. Such mines shall also be operated in accordance with the mandatory standards in this section. The standards in this section apply only to underground operations.

MINE CLASSIFICATION

57.22-1 *Mandatory.* A mine shall be deemed gassy and thereafter operated as a gassy mine if:

(a) The State in which the mine is located classifies the mine as gassy; or

(b) Flammable gas emanating from the orebody or the strata surrounding the orebody has been ignited in the mine; or

(c) A concentration of 0.25 percent or more, by air analysis, of flammable gas emanating only from the orebody or the strata surrounding the orebody has been detected not less than 12 inches from the back, face, and ribs in any open workings; or

(d) The mine is connected to a gassy mine.

57.22-2 *Mandatory.* Flammable gases detected while unwatering mines and similar operations shall not be used to class a mine gassy.

FIRE PREVENTION AND CONTROL

57.22-10 *Mandatory.* Men shall not smoke or carry smoking materials, matches, or lighters underground. The operator shall institute a reasonable program to ensure that persons entering the mine do not carry smoking materials, matches, or lighters.

57.22-11 *Mandatory.* Except when necessary for welding or cutting, open flames shall not be used in other than fresh air or in places where flammable gases are present or may enter the air current.

57.22-12 *Mandatory.* Welding or cutting with arc or flame underground in other than fresh air or in places where flammable gases are present or may enter the air current shall be under the direct supervision of a qualified person who shall test for flammable gases before and frequently during such operations.

57.22-13 *Mandatory-UAC.* Welding or cutting shall not be performed in atmospheres containing more than 1 percent of flammable gases.

VENTILATION

52.22-20 *Mandatory.* Main fans shall be:

(a) Installed on the surface.

(b) Powered electrically from a circuit independent of the mine power circuit. Internal combustion engines shall be used only for standby power, or where electrical power is not available.

(c) Installed in fireproof housing provided with fireproof air ducts.

(d) Offset not less than 15 feet from the

nearest side of the mine opening and equipped with ample means of pressure relief unless:

(1) The opening is not in direct line with forces which would come out of the mine should an explosion occur, and

(2) Another opening not less than 15 feet nor more than 100 feet from the fan opening is equipped with a weak-wall stopping or explosion doors in direct line with the forces which would come out of the mine should an explosion occur.

(e) Installed to permit prompt reversal of airflow.

(f) Attended constantly, or provided with automatic devices to give alarm when the fans slow down or stop. Such devices shall be placed so that they will be seen or heard by responsible persons.

57.22-21 Main fans should be:

(a) Operated continuously except when the mine is shut down for an extended period.

(b) Provided with pressure-recording gages.

(c) Inspected daily and records kept of such inspections and of fan maintenance.

57.22-22 The main intake and return air currents in mines should be in separate shafts, slopes, or drifts.

57.22-23 *Mandatory-UAC.* When single shafts are used for intake and return the curtain wall or partition shall be constructed of reinforced concrete or equivalent and provided with pressure relief devices.

57.22-24 *Mandatory.* When a main fan fails or stops and ventilation is not restored in a reasonable time action shall be taken to cut off the power to the areas affected and to withdraw all men from such areas.

57.22-25 When there has been a failure of ventilation and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated should be examined by a qualified person and determined to be free of flammable gas before power is restored and work resumed.

57.22-26 *Mandatory.* When ventilation is not restored in a reasonable time, all men shall be removed from the areas affected, and after ventilation has been restored, the areas affected shall be examined by qualified persons for gas and other hazards and made safe before power is restored and before men, other than the examiners and other authorized persons, return to the areas affected.

57.22-27 *Mandatory-UAC.* When the main fan or fans have been shut down with all men out of the mine, no person, other than those qualified to examine the mine, or other authorized persons, shall go underground until the fans have been started and the mine examined for gas and other hazards and declared safe.

57.22-28 *Mandatory-UAC.* Booster fans shall be:

(a) Operated by permissible drive units maintained in permissible condition.

(b) Operated only in air containing not more than 1 percent flammable gas.

57.22-29 Booster fans should be:

(a) Inspected by a qualified person at least once each shift or provided with automatic devices to give alarm when the fans slow down or stop.

(b) Equipped with devices that automatically cut off the power in areas affected if the fans slow down or stop when the fans are not provided with automatic alarm devices.

(c) Provided with air locks, the doors of which open automatically if the fan stops operating.

57.22-30 *Mandatory-UAC.* Auxiliary fans shall be:

(a) Operated by permissible drive units maintained in permissible condition.

(b) Operated only in air containing not more than 1.0 percent flammable gas.

57.22-31 Auxiliary fans should be inspected by qualified persons at least twice each shift.

57.22-32 *Mandatory-UAC.* Men shall be withdrawn from areas affected by auxiliary

or booster fans when such fans slow down or stop.

57.22-33 *Mandatory*. The volume and velocity of the current of air coursed through all active areas shall be sufficient to dilute and carry away flammable gases, smoke and fumes.

57.22-34 *Mandatory-UAC*. The quantity of air coursed through the last open crosscuts in pairs or sets of entries, or through other ventilation openings nearest the face, shall be at least 6,000 cubic feet a minute.

57.22-35 *Mandatory*. At least once each week, a qualified or competent person shall measure the volume of air entering the main intakes and leaving the main returns, the volume of the intake and return of each split, and the volume through the last open crosscuts or other ventilation openings nearest the active faces. Records of such measurements shall be kept in a book on the surface.

57.22-36 Permanently installed battery-charging and transformer stations should be ventilated by separate splits of air conducted directly to return air courses.

57.22-37 Electrically operated pumps, compressors, and portable substations should be in intake air.

57.22-38 *Mandatory*. Changes in ventilation that materially affect the main air current or any split thereof and may affect the safety of persons in the mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts and not restored until the effect of the change has been ascertained and the affected areas determined to be safe by a qualified person.

57.22-39 *Mandatory-UAC*. If flammable gas in excess of 1 percent by volume is detected in the air not less than 12 inches from the back, face, and rib of an underground working place, or in air returning from a working place or places, adjustments shall be made in the ventilation immediately so that the concentration of flammable gas in such air is reduced to 1 percent or less.

57.22-40 *Mandatory-UAC*. If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground working place or places, the men shall be withdrawn and the power cut off to the portion of the mine endangered by such flammable gas until the concentration of such gas is reduced to 1 percent or less.

57.22-41 *Mandatory*. Air that has passed by an opening of any unsealed abandoned area and contains 0.25 percent or more of flammable gas shall not be used to ventilate working areas. Examinations of such air shall be conducted during the preshift examination required by § 57.22-59.

57.22-42 *Mandatory*. Air that has passed through an abandoned panel or area which is inaccessible for inspection shall not be used to ventilate any active face workings in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any active face workings in such mine, except that such air may be used to ventilate enough advancing working places or rooms immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

57.22-43 *Mandatory-UAC*. Abandoned areas shall be sealed or ventilated; areas that are not sealed shall be barricaded and posted against unauthorized entry.

57.22-44 *Mandatory-UAC*. Seals shall be of substantial construction. Exposed surfaces shall be made of fire-resistant material or, if the commodity mined is combustible, seals shall be made of incombustible material.

57.22-45 *Mandatory-UAC*. One or more seals of every sealed area shall be fitted with a pipe and a valve or cap to permit sampling of the atmosphere and measurement of the pressure behind such seals.

57.22-46 *Mandatory-UAC*. Crosscuts shall be made at intervals not in excess of 100 feet between entries and between rooms.

57.22-47 Crosscuts should be closed where necessary to provide adequate face ventilation.

57.22-48 *Mandatory*. Line brattice or other suitable devices shall be installed from the last open crosscut to a point near the face to assure positive airflow to the face of every active underground working place, unless the Secretary or his authorized representative permits an exception to this requirement.

57.22-49 Brattice cloth should be of flame-resistant material.

57.22-50 *Mandatory-UAC*. Damaged brattices shall be repaired promptly.

57.22-51 Crosscuts should be provided, where practicable, at or near the faces of entries and rooms before they are abandoned.

57.22-52 *Mandatory-UAC*. Entries or rooms shall not be started off entries beyond the last open crosscuts, except that room necks and entries not to exceed 18 feet in depth may be turned off entries beyond the last open crosscuts if such room necks or entries are kept free of accumulations of flammable gas by use of line brattice or other adequate means.

57.22-53 Stoppings in crosscuts between intake and return airways, on entries other than room entries, should be built of solid, substantial material; exposed surfaces should be made of fire-resistant material or, if the material mined in combustible, stoppings should be made of incombustible material.

57.22-54 Stoppings should be reasonably airtight.

57.22-55 *Mandatory-UAC*. The main ventilation shall be so arranged by means of air locks, overcasts, or undercasts that the passage of trips or persons does not cause interruptions of air currents. Where air locks are impracticable, single doors may be used if they are attended constantly while the areas of the mine affected by the doors are being worked, unless they are operated mechanically or are self-closing.

57.22-56 *Mandatory-UAC*. Air locks shall be ventilated sufficiently to prevent accumulations of flammable gas inside the locks.

57.22-57 *Mandatory-UAC*. Doors shall be kept closed except when men or equipment are passing through the doorways.

57.22-58 Overcasts and undercasts should be:

(a) Constructed tightly of incombustible material.

(b) Of sufficient strength to withstand possible falls from the back.

(c) Kept clear of obstructions.

57.22-59 *Mandatory*. Preshift examinations shall be made of all working areas by qualified persons within 3 hours before any workmen, other than the examiners, enter the mine.

57.22-60 *Mandatory*. Each examiner shall be responsible for a definite underground area and shall:

(a) Inspect the working places and test the air therein with a permissible flame safety lamp for oxygen deficiency and with a device approved by the Secretary for detecting flammable gas.

(b) Examine the seals and doors to determine whether they are functioning properly.

(c) Inspect the roadways, travelways, approaches to abandoned workings, and accessible falls in active areas for flammable gas.

(d) Determine whether the air in each split is traveling in its proper course and in normal volume.

(e) Place his initials and the date at or near the face of each place he examines.

(f) Indicate places that he considers may be dangerous to persons who may enter or be in such places by posting danger signs conspicuously at points that persons must pass to enter such dangerous places.

(g) After completing his examination, report the results to the mine operator or

other designated person, at a designated place on the surface of the mine or underground, before other persons enter the underground areas of such mine.

(h) Record the results of his examination with ink or indelible pencil in a book kept for that purpose at a designated place on the surface of the mine.

57.22-61 *Mandatory-UAC*. Only qualified examiners and persons authorized to correct the dangerous conditions shall enter places or areas where danger signs are posted.

57.22-62 *Mandatory-UAC*. Danger signs shall not be removed until the dangerous conditions have been corrected.

57.22-63 *Mandatory*. Underground working places shall be examined for hazards by certified persons at least once during each producing shift, and more often, if necessary. Examinations shall include tests for oxygen deficiency with a permissible flame safety lamp and for flammable gas with a device approved by the Secretary for such use.

57.22-64 *Mandatory*. Idle and abandoned areas shall be inspected for gas and for oxygen deficiency and other dangerous conditions by a qualified person as soon as possible, but not more than 3 hours before other employees are permitted to enter or work in such places. However, persons who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in means approved by the Secretary for detecting flammable gas and who are trained in the use of a permissible flame safety lamp for oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

57.22-65 Examinations for dangerous conditions, including tests for flammable gas with a device approved by the Secretary should be made at least once each week, and at intervals of not more than 7 days, by the mine foreman or other designated mine official, except during weeks in which the mine is idle for the entire week. The foreman or other designated mine official should:

- (a) Examine and make tests;
- (1) In the return of each split where it enters the main return,
- (2) On accessible pillar falls,
- (3) At seals,
- (4) In the main return,
- (5) In at least one entry of each intake and return airway in its entirety,
- (6) In idle workings,
- (7) In abandoned workings, insofar as conditions permit,
- (b) Mark his initials and the data at the places examined;
- (c) Report dangerous conditions promptly to the mine operator or other designated person;
- (d) Record the results of his examination with ink or indelible pencil in a book kept for that purpose at a designated place on the surface of the mine.

57.22-66 The mine foreman or other designated mine official should read and countersign promptly the reports of daily and weekly examinations by qualified persons, and should take prompt action to have dangerous conditions corrected.

EQUIPMENT

57.22-75 *Mandatory*. Diesel-powered equipment not approved as permissible by the Bureau of Mines for use in mines subject to these regulations shall not be used underground. Permissible equipment shall be maintained in permissible condition.

57.22-76 *Mandatory-UAC*. Diesel-powered equipment shall not be taken into or operated in places where flammable gas exceeds 1.0 percent at any point not less than 12 inches from the back, face, and rib.

57.22-77 *Mandatory-UAC*. Trolley wires and trolley feeder wires shall be on intake air and shall not extend beyond the last open cross-

cut or other ventilation opening. Such wires shall be kept at least 150 feet from pillar workings.

57.22-78 *Mandatory-UAC*. Only permissible equipment maintained in permissible condition shall be used beyond the last open crosscut or in places where dangerous quantities of flammable gases are present or may enter the air current.

57.22-79 *Mandatory-UAC*. Only permissible distribution boxes shall be used in working places and other places where dangerous quantities of flammable gas may be present or may enter the air current.

57.22-80 *Mandatory*. Tests for flammable gas shall be made with a device approved by the Secretary, by persons trained in the use of such lamps or devices, before electrically powered or diesel powered equipment is taken into or operated in face regions, and such tests shall be made frequently during such operations.

57.22-81 *Mandatory-UAC*. No electric equipment shall be taken into or operated in places where flammable gas can be detected in the amount of 1 percent or more at any point not less than 12 inches from the back, face, and rib.

ILLUMINATION

57.22-90 *Mandatory-UAC*. Only permissible electric lamps shall be used for portable illumination underground.

EXPLOSIVES

57.22-95 *Mandatory-UAC*. AN-FO or other blasting agents other than explosives designated as permissible by the Bureau of Mines, shall not be used in any underground gassy mine until the U.S. Bureau of Mines and State Inspector of Mines have given written approval for each specific blasting agent or explosive used in any underground mine.

57.22-96 *Mandatory*. The Bureau of Mines and the State Inspector of Mines, in granting approval referred to in paragraph one, shall provide the operator with a written list of conditions for using the specific blasting agent or explosives covered by the approval and adapted to the mining operation.

57.22-97 *Mandatory*. When permissible explosives are used underground, they shall be fired with:

(a) Instantaneous of millisecond delay electric detonators of proper strength.

(b) Permissible shot-firing units, unless the rounds are fired from the surface when all men are out of the mine.

57.22-98 *Mandatory-UAC*. Boreholes shall be stemmed as prescribed for the explosives used.

57.22-99 *Mandatory-UAC*. Examinations for gas shall be made immediately before and after firing each shot or round.

57.22-100 *Mandatory-UAC*. Shots or rounds shall not be fired in places where flammable gas can be detected with a permissible flame safety lamp, or where 1 percent or more of flammable gas can be detected by any other Bureau of Mines approved device or method, at a point not less than 12 inches from the back, face, and rib.

57.22-101 Shots and rounds should be fired by qualified persons.

§ 57.23 Miscellaneous.

GENERAL—SURFACE AND UNDERGROUND

57.23-1 *Mandatory-UAC*. Intoxicating beverages and narcotics shall not be permitted or used in or around mines. Persons under the influence of alcohol or narcotics shall not be permitted on the job.

57.23-2 *Mandatory-UAC*. Potable water shall be available to all employees during working hours.

57.23-3 Good housekeeping should be practiced in and around a mine.

57.23-4 Men should not engage in horseplay.

57.23-5 *Mandatory-UAC*. Carbon tetrachloride shall not be used.

57.23-6 Protruding nails which may cause injury should be removed or completely bent over.

57.23-7 Employees should be constantly alert to the potential of accidents on their jobs.

57.23-8 Toilet facilities should be provided at convenient locations and should be kept clean and sanitary.

57.23-9 *Mandatory-UAC*. Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

57.23-10 *Mandatory-UAC*. If failure of a water or silt retaining dam will create a hazard it shall be of substantial construction and inspected at regular intervals.

SURFACE ONLY

57.23-20 *Mandatory-UAC*. Access to unattended mine openings shall be restricted by gates on doors, or the openings shall be fenced and posted.

57.23-21 *Mandatory-UAC*. Upon abandonment of a mine, the owner or operator shall effectively close or fence off all surface openings down which persons could fall or through which persons could enter. Upon or near all such safeguards, trespass warnings and appropriate danger notices shall be posted.

UNDERGROUND ONLY

57.23-30 *Mandatory*. Whenever any working place in a mine is being advanced in an area where a dangerous inrush of water, silt, or gas may be encountered, test holes of sufficient depth, proper orientation, and number shall be drilled in advance of such workings to ensure that at least 20 feet of tested ground remains to prevent an uncontrolled inrush after any blast advancing the face.

57.23-31 *Mandatory-UAC*. In areas where dangerous accumulations of water, gas, mud, or fire atmospheres could be encountered, men shall be removed to safe places before blasting.

57.23-32 Telephone service or equivalent two-way communication facilities should be provided from underground working areas to the surface.

§ 57.24 Savings provision.

57.24-1 Unless otherwise specified herein, nothing contained in these standards shall prevent the continued utilization of equipment, facilities or structures, including mine workings, now in use, which fall in whole or in part to meet the requirements of these standards, *Provided:*

(a) That such equipment, facilities, and structures are utilized in a safe manner and are maintained in safe condition.

(b) That any equipment, facilities, and structures which do not meet the mandatory specifications and safety standards set forth herein shall not be used after January 1, 1972, unless modified to conform to such standards.

(c) That all replacements of or additions to existing equipment, facilities or structures made after the effective date of these standards shall conform to such standards.

57.24-2 Nothing contained in § 57.24-1 above, shall be construed to conflict with, or limit, the authority granted by the Act to the Bureau to issue orders pursuant to section 8(a) of the Act.

57.24-3 Nothing contained in § 57.24-1 above, shall be construed to limit or conflict with any standards contained herein which prohibit specific unsafe work procedures or which require specific safe work procedures to be followed.

[F.R. Doc. 69-478; Filed, Jan. 15, 1969; 8:45 a.m.]

AIRLINE YOUTH FARES

(Mr. OLSEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OLSEN. Mr. Speaker, currently the Civil Aeronautics Board has before it the decision of Examiner Arthur S. Present

which holds that airline youth fares are discriminatory to adult passengers and should be eliminated.

Three weeks ago I spoke in this Chamber in defense of the youth fare. As you perhaps know, this fare is available only to persons between the ages of 12 and 21, and it applies only to seats which would otherwise go vacant.

In a letter to Civil Aeronautics Board Chairman John H. Crocker January 22, I presented several arguments in support of youth fares. First and foremost, I believe this special fare has been a significant factor enabling thousands of young people to attend the colleges and universities of their choice. Many thousands of students and nonstudents have been provided with a better opportunity to receive the education that only travel can provide. Further, I expressed my sincere conviction that no one will benefit from elimination of the youth fare. Indeed, it could trigger a general rate increase for all passengers.

I have discussed this matter with several of our domestic airlines officials. Most agree with me that the youth fare should be retained. Mr. Speaker, I want to share with all of my colleagues a few of the reasons why the airlines, for the most part, favor the present arrangement.

Airline officials advise me the youth fare has definitely resulted in increased revenues. They add that the fare has been proved to be economically sound; it does meet the cost of the service. In addition, the airlines believe the youth fare educates our young people in terms of air transportation, developing, if you will, a future clientele.

Mr. Speaker, editors and other writers of college newspapers across the Nation are speaking out in favor of retention of the youth fare. They know the importance of this fare in the cause of education.

In the next few days, I intend to insert a number of these articles and editorials in the CONGRESSIONAL RECORD. Today, for the information of my colleagues, I include the following article in the RECORD:

American University Eagle, "CAB Will Abolish Youth Fares Unless Decision Is Appealed";

Ohio University Post, "Save Youth Fare";

Michigan State University State News, "Youth Fares May Go With No Quid Pro Quo";

Montana State University Exponent; "Airlines May Cancel Youth Fare Discounts";

University of Delaware, "Is the Youth Fare Dead?";

Duquesne University Duke, "Fares Unfair—Civil Aeronautics Board Challenges Student Standby Fare System";

University of Bridgeport Scribe, "And It's Back to the Bus Terminals";

Boston University News, "CAB and Congress Clash: Youth Cutrate Airfare Topic";

Loyola University News, "Youth Fare Fair?";

Catholic University Tower, "Airline Half Fares Facing Opposition" and "Keep 'em Flying"; and

Gonzaga University Bulletin, "Youth Standby Rates May Stop."

[From the American University Eagle]
**CAB WILL ABOLISH YOUTH FARES UNLESS
 DECISION IS APPEALED**

Airline discounts for students, offering as much as one-half off regular air fares on a stand-by basis, may be abolished if a decision of the Civil Aeronautics Board is not rescinded this month.

A campaign has been launched by some students and one member of Congress to appeal and hopefully rescind the CAB decision, reached last month on the basis of a report by Examiner Arthur S. Present who called the discount fares "unjustly discriminatory."

Unless the CAB decides to review the decision, it will become effective on February 20, 30 days following the original decision.

Examiner Present said airline passengers "having the same characteristics as youths except for their age are injured by being required to pay a regular fare."

The discount fares, offered on most of the major air carriers to students in the 12-to-22 age bracket, range from half-fare for stand-by passengers to two-thirds for reservations, as well as some youth group fares.

A student at the University of Houston has urged students to write the CAB at 1825 Connecticut Avenue, NW, Washington, DC, to "protest against this unfair decision against youth fares." (See Letters to the Editor)

And Congressman Arnold Olsen (D-Mont.) this week charged that elimination of airline youth fares would "encourage thousands of young people to resume the illegal and dangerous practice of hitchhiking or to attempt long, exhausting automobile trips, frequently in unsafe vehicles." He argued that no one would benefit from a discontinuation of youth fares.

"I fail to see how permitting a young person to fly half fare on a seat that would otherwise go empty discriminates against regular passengers," Olsen asserted in a letter to CAB Chairman John Crocker.

Olsen also cited serious age discrimination practices the government has begun and perpetuated, among them the denial of the vote to most citizens younger than 21, denial of Social Security benefits to citizens not 62 years or older, refusal of persons under 25 to serve in Congress and of those under 35 to serve as President.

Olsen said he does not argue that all these restrictions should be changed. "There are prudent considerations supporting some of them. However, I do argue that there is equally prudent support for retention of the student fares."

The Montana Congressman said he views the youth fare as a "bright spot in a world that generally discriminates against young people. The safest driver in the world has to pay twice as much for car insurance if his age happens to be 22 or 23," Olsen said.

The current youth fare case was triggered by complaints from several bus companies. At first, the CAB refused to hear the complaints, upholding the fares as a legitimate way to promote airline traffic. But last year the bus companies won a court order requiring the CAB to investigate the fares.

Though none of the 24 US airlines offering the youth fare discounts have reported a loss on the program, originated by American Airlines in 1966, only 14 of the carriers supported the youth fare discounts during the extensive CAB investigation which results in Present's 83-page decision. Ten of the carriers either opposed the youth fare discount or had no position on the matter.

[From the Ohio University Post, Feb. 11, 1969]

SAVE YOUTH FARE

If you're one of the many students who flies youth fare, you're going to be in for a

big surprise the next time you catch a flight unless a plan by an examiner of the Civil Aeronautics Board is stopped immediately.

Board Examiner Arthur S. Present has issued a decision calling for the elimination of the airline youth fare because he considers it discriminatory to adults.

Now, that's a switch.

The safest automobile driver in the world has to pay twice as much for car insurance if he happens to be under 23.

Persons under 21 cannot vote; persons under 25 cannot serve in Congress; persons under 62 cannot receive Social Security benefits, persons under 35 cannot be president of the United States, and on and on goes the list of discriminatory practices based on age.

Most of the discriminatory practices based on age are aimed against the young. But children under 12 do get discounts on movies, and students under 22 have received airline discounts. These are about the only areas where youth gets the benefit.

Montana Congressman Arnold Olsen, who is fighting the proposal, calls the youth fare "a bright spot in a world that generally discriminates against young people."

He says it is hardly unfair to allow a young person with little or no income to fly for half-fare in a seat that otherwise would go empty.

We agree. Furthermore, the half fare rate has been a valuable contribution to the education of hundreds of thousands of students. Travel to educational conferences, to other campuses, to major events throughout the country, and even to a vacation in a part of the country never seen before are all educational experiences.

But the abolition of the student fare will reduce greatly the amount of student flying, and the airlines certainly will not benefit from having more empty seats.

The end to the half fare will come at the end of this month unless students who will be affected speak up now.

Write your opinion to CAB Chairman John H. Crocker, and send a carbon copy to your congressman. There is still a chance youth fare can be saved, for the full board has not voted on the proposal yet. But in a matter of days it will. So if you care, make your view on youth fare known today.

[From Michigan State University]
YOUTH FARES MAY GO WITH NO QUID PRO QUO

The "Airline Youth Fare Card" policy, implemented by many U.S. airlines, is in danger of becoming obsolete. And it's barely gotten off the ground!

According to an examiner, Mr. Arthur S. Present, of the Civil Aeronautics Board, the youth rates, affecting those in the 12-21 age bracket, are discriminatory against over-21 passengers. His ruling is subject to review by the board, but if action is not taken within a 30 day period (the ruling was made Jan. 21), it will go into effect.

Mr. Present feels that age alone should not be the determinant for a price difference among prospective passengers. It is his opinion that the "... airlines develop fares benefiting the public in general."

What must be stressed is that the elimination of youth fares is not a practical solution to this problem. Most of the airlines offering youth discounts are in favor of keeping them. They realize that their revenues have increased due to this policy and, while aiding themselves, they have also given the majority of students a "fair" system in which they can enjoy flying at reasonable prices in seats that would otherwise go empty.

A practical solution to this problem is to retain the youth fare policy while continuing work toward an equitable system for those not enjoying reduced rates.

The youth fare policy has aided many a young person in his travels, and it seems unnecessary to abolish it simply because airline prices in general are so high.

[From the Bozeman (Mont.) Exponent, Feb. 7, 1969]

AIRLINES MAY CANCEL YOUTH FARE DISCOUNTS
 (By Colleen Beausoleil)

A proposal eliminating half-fare student standby tickets for persons under 21 is being advocated by the Civil Aeronautics Board.

The CAB ruling, written by Examiner Arthur S. Present, judged special fares discriminatory to adult passengers.

If the ruling is upheld by the five member board and passed by the Senate, youth fares will be dropped within 30 days of the day on which the U.S. Senate ratifies it.

Northwest Airlines in Seattle commented, "We are in favor of youth standby. Our Tariff Office hasn't filed for a change in present rate regulations."

"We feel stand-by rates are worthwhile," added the airlines.

Northwest asserted, "We fail to see how permitting a young person to fly half fare in a seat that would otherwise be empty discriminates against other passengers."

Only empty seats are sold for half-fare. If a would-be passenger will pay full fare for the seat, the standby is "bumped."

Continuing, they argued "prudent justice" in this situation would be influenced by the facts:

Most passengers over 21 are restricted by personal demands or schedules from available flying space.

A change to include all age groups in standby fares would create havoc for reservation systems.

Revenue losses resulting from elimination of existing regulations could mean increased fares for all passengers.

Present youth fares contribute substantially to education.

[From the University of Delaware, Feb. 7, 1969]

IS THE YOUTH FARE DEAD?

Spring break is still two hours away, however, college students are notorious for their ability to plan their Easter vacation trip well in advance.

Transportation is usually the first step and this year the problem appears to be even more complicated.

Since 1966, 24 American airlines have offered a student discount plan for air travel. Most offer one-half the regular fare for those students under 22 years of age wish to fly on a standby basis. Several offer "confirmed reservations" for this same age bracket at one-third off.

But the Civil Aeronautics Board is threatening to take this opportunity away from us in less than one month. It seems that while students are flocking to the airlines with the pretty stewardess' and the good food the "leave the driving to us" bus companies are suffering.

The National Trailways Bus System, a trade organization of bus companies, and TCO Industries Inc. filed suit against the youth fare plans claiming that the plan discriminated against passengers who must pay the full fare.

This discriminatory accusation which caused the CAB to order the airlines to abolish the youth fare raises some interesting points. If we carry the ruling further then there should not be a "children's" price and an "adults" price at the movies; there should not be increased auto insurance rates for those under 21 years old; military standby would also have to be eliminated since this is discriminating against civilians.

The whole controversy sounds like sour grapes. It is ridiculous for the bus companies to protest discrimination because buses can't provide the same services that the airlines can.

For example if you are thinking about going to Los Angeles it would cost you \$88 and take 52 hours by bus, however, by flying

you arrive in four hours after a movie for \$18 less. To Chicago you save eight dollars and 15 hours. To Miami, unless you get hijacked, you get one full day longer in the sun if you fly.

If you are upset, angered, or just confused about your plans to fly over spring break and you want to keep the student fare write to the Civil Aeronautics Board in Washington, D.C. We hope you do.

[From the Duquesne University Duke, Feb. 7, 1969]

FARES UNFAIR?—CIVIL AERONAUTICS BOARD CHALLENGES STUDENT STAND-BY FARE SYSTEM (By Anne Scrivener)

Last year youth fare card holders accounted for some 5.8 million of the passengers of this country's airlines. This year the Civil Aeronautics Board (CAB) has moved to abolish the youth fare system.

A Civil Aeronautics Board examiner decided that the discounts are "unjustly discriminatory" against passengers who must pay the full fare only because they don't fall within the proper age group, 12-21.

Following this line of reasoning, the laws which prohibit voting and drinking before age 21 are equally discriminatory. They also deny a privilege to a person who is qualified except for age. At least in the case of the youth fare, though, there is some advantage to being under 21.

However, the essential difference between these two situations is that one sets up the age of 21 as an arbitrary marker of maturity, while the other sets up age 21 as an arbitrary marker of earning power. In both cases such criteria are questionable.

The same type of society which has brought about greater maturity in young people has also forced them into a longer period of economic dependence. The earning power of a full time student is ipso facto limited. And young people are spending more and more years as full time students.

Thus the discrimination charge is not entirely valid. The youth fare programs merely take into account the high cost of flying a plane with empty seats and the notoriously limited funds of most students.

NOT STEALING SEATS

It must be remembered that students flying stand-by are not taking away seats from paying customers. The stand-by arrangement is one of mutual benefit to the student and to the airline. The student is able to reach his destination much more quickly by air and the discount puts the airline in favorable competition with other means of transportation, so favorable in fact that in many cases it is cheaper to fly stand-by than to travel by bus or train.

And the airline on its part makes at least some money on a seat that would otherwise be empty and costing them money anyway.

Student standby fares are a blessing most students cannot afford (literally) to let slip easily through their fingers. A full time student could be very hard pressed to come up with the money needed for travel if he did not have the opportunity to fly stand-by.

And besides, if youth fare standbys are eliminated, think how much of the excitement of flying will go with them. How dull it would be to be absolutely certain that one was going to be able to catch a particular flight. Stand-by flying is one of the challenges to the mental and physical stamina of young people.

If CAB wanted to make some constructive suggestions about youth fares, perhaps it would like to recommend that they be extended to all full time students, be they over or under 21. Graduate students, after all, don't have any more money than undergraduates to spend on travel.

OFFER DISCOUNTS

Or perhaps the airlines could come up with some way to offer general discounts at holiday time and thus avoid the charges of discrimination.

If CAB is not asked to review its decision, the abolition of youth fares will become automatically effective in 30 days. If this decision goes by unchallenged, it appears likely that group discounts may feel the axe next.

The discontinuance of youth fare discounts would be a blow not only to the students, but also to the airlines who would stand to lose many of their young passengers.

The Civil Aeronautics Board is located at 1825 Connecticut Avenue, Washington, D.C. 20009. If they receive a sufficient number of protests against the youth fare decision, they will set a new hearing on the matter. However, if this is not done within 30 days, the ruling will become law.

For those students, who feel they cannot spare the time to write a letter, Western Union will send a 15 word telegram to any congressman or to the president for 90 cents.

The only other alternative is to save that 90 cents toward the price of the next ticket home. But it might be thriffter to send the telegram.

[From the University of Bridgeport Scribe, Feb. 7, 1969]

AND IT'S BACK TO THE BUS TERMINALS

Travel by Youth Fare may become a thing of the past.

Arthur Present, an examiner for the Civil Aeronautics Board, recommended to the board on Jan. 24 that Youth Fare discounts be abolished.

The recommendation by the CAB member was prompted by a complaint lodged by several bus companies a year ago when National Trailways Bus System and TCO Industries, Inc., formerly Transcontinental Bus System, Inc., obtained a court order demanding that CAB investigate the airline discount rates.

In Present's 83 page decision he stated, "airline passengers having the same characteristics as youths except for their age are injured by being required to pay a regular fare."

If the entire CAB agrees with Present's recommendation the 24 United States airlines that offer discount rates of one-third and one-half off the regular fare for persons between 12 and 22 will be forced to curtail the service.

The board has 30 days in which to review or accept the decision. On Feb. 24 the proposal will become effective unless the board sees the need to review it.

[From the Boston University News, Feb. 13, 1969]

CAB AND CONGRESS CLASH: YOUTH CUTRATES AIRFARE TOPIC

Several departmental offices in Washington are considering a revocation of youth fare rates on the nation's airlines within the next few weeks.

Civil Aeronautics Board (CAB) Examiner Arthur Present handed down a decision last week which observed that the current status enjoyed by students—half fare on any domestic flight on a stand-by basis—is discriminatory against full-fare paying, adult, passengers.

Representative Arnold Olsen (D-Montana) was annoyed with Present's position, and is leading a legislative fight to halt the CAB's proposed action. "I fail to see how permitting a young person to fly half fare on a seat that would otherwise go empty discriminates against regular passengers," Olsen asserted.

The move by Present and the CAB comes as a result of mounting pressure by some airline companies (notably Eastern Airline) to

abandon the youth fare system. Eastern contends that losses from the unprecedented three year old student-rate plan are too large to allow continuation of that service. Northeast Airlines supported Eastern's position at a government hearing earlier this year. Two of the nation's air carriers, American and Trans World Airlines, have generally favored the student fare rates, and do not plan to oppose the program should the CAB press its case.

Congressman Olsen has urged students and others interested in the government's action to write letters to Mr. Present in Washington, as well as to their own Congressmen. A CAB ruling could come in as little as three weeks.

[From the Loyola News, Feb. 14, 1969]

YOUTH FARE FAIR?

(By Jim Marzano)

The Civil Aeronautics Board has issued a decision calling for the elimination of airline youth-fare programs because it judges this program discriminatory to adult full-fare passengers. Unless this decision is reversed, it will go into effect in a short time. While this action might not affect everyone at Loyola, it seems to me that the problem itself, along with the efforts of Rep. Arnold Olsen (D-Mont.), is worthy of discussion. At Loyola, 8.64% of the total enrollment live out of state. While this figure may not seem particularly significant, it does represent a number of students who might be forced to consider another school, should this decision be initiated by the CAB.

The main contention of the CAB is that youth-fare programs only serve to discriminate against full-fare passengers because of their age. It is quickly apparent to me that this is indeed a moot point, for age discrimination exists at all levels in our society, and ironically, most discrimination is against the young. As Rep. Olsen pointed out, "the safest driver in the world might have to pay twice as much car insurance, if he happens to be under 22." It is also interesting to note that persons under 21 cannot vote, yet these same persons are eligible for the draft at 18, and can legally be convicted of a major crime at the ripe age of 17. The list of age discrimination practices is inexhaustible, and certainly could not be covered in the length of this article, yet I find it hard to see how allowing a younger person to fly for half-fare for a seat that would otherwise go empty discriminates against a regular, full-fare passenger.

The bulk of youth-fare passengers are college students, and this is the group that would be hardest hit by the elimination of youth fares. The increased attention given by the government in the last 10 years to improve education serves to emphasize the fact that the youth-fare program has enabled thousands of students to take advantage of educational opportunities they might not have otherwise. The "Discover America" program has also benefited from the availability of air travel through youth-fare programs.

The case has been presented. If upheld by the five-member board, youth fares would be dropped within 30 days. Rep. Olsen asserts that the elimination of youth-fare programs on major airlines would "encourage thousands of people to resume the illegal and dangerous practice of hitch-hiking or attempt long, exhaustive automobile trips, frequently in unsafe vehicles." Because of the fact that the youth-fare programs contribute to the further education for most young people, the discontinuation of these programs would result in a revenue loss and create chaos in the reservation systems of major airlines. I agree with Rep. Olsen that no one would benefit from the discontinuation of youth-fare systems. Perhaps a closer look

at the problem on the part of the CAB would result in a more prudent and just decision.

[From the Catholic University Tower, Feb. 14, 1969]

AIRLINE HALF FARES FACING OPPOSITION (By Bill Barker)

Airline youth fares are in serious danger of being eliminated.

Arthur S. Present, an examiner for the Civil Aeronautics Board, issued a decision Jan. 20 that half-price fares for the under-22 age group will be illegal within 30 days. If the decision is not rescinded by the five-member board by the end of that time, it will become law.

Present is acting under power granted him by Congressional legislation, which authorized the CAB to prevent discrimination in transportation. The examiner maintains that airline passengers "having same characteristics as youths except for their age are injured by being required to pay a regular fare."

Congressional opposition to the decision is growing. Representative Arnold Olsen (D., Mont.) has expressed the opinion that the decision is imprudent and unjustified. Congressman Olsen points out that since the CAB is acting under long-standing legislation, Congressional approval of its decisions is not required. However, Olsen maintains that if enough opposition is raised by Congress and by students across the nation, the board may be persuaded to reverse its decision.

In a letter of Jan. 22 to the chairman of the CAB, Olsen expressed the opinion: "We must, as a nation, do all we can to encourage young people to educate themselves. Our government has acted in the last 10 years to improve our education system and has spent billions of dollars in this cause. . . . The special youth fare has been an important factor in allowing young people to travel to institutions of higher learning. They also enable them to travel home more frequently to be with their families."

Olsen objects to Present's complaint that the youth fare discriminates against adult passengers. In his letter the Congressman maintains, "Mr. Present's charge that low cost fares for young persons discriminates against passengers over 21 fails to give proper consideration to the important fact that these young people are flying on a 'space available' basis—if they did not purchase half-fare tickets, the seats would go vacant."

Olsen also observed that the age discrimination is an acceptable practice all over the country. For example, persons under 21 cannot vote, persons under 25 cannot serve in Congress, and persons under 62 cannot receive social security. He referred to the youth fare as "a bright spot in a world that generally discriminates against young people."

Several large airline companies are also in favor of continuing the youth fare system. Ronald McVicker, assistant vice president of Northwest Airlines, says that his company strongly objects to the elimination of the system.

Olsen believes that the ruling can be prevented only if students write to the CAB and to their congressman, voicing their objections.

[From the Catholic University Tower, Feb. 14, 1969]

KEEP 'EM FLYING

Along with increasing tuition and board costs, the American student may be faced with yet another financial burden. The examiner of the Civil Aeronautics Board has decided to abolish youth fares for airlines. If the board does not have a change of heart before February 24 (the issue is entirely in the hands of the five man board), the decision will become law.

An act of Congress gave CAB the responsibility to prevent discrimination in air travel, but it seems that the board is either

misinterpreting or abusing its responsibility. In a strictly legal sense, airlines do discriminate against adults by charging students half fares, but this is a case in which prudence should dominate over strict interpretation of the law. Half-fare passengers are given seats only on a stand-by basis, which means that the seats would otherwise be vacant. Why would a government agency seek to eliminate a service which injures no one and benefits millions?

It may be true that there are adults with similar financial problems to students, but to place a burden on the shoulders of one group for the simple reason that there exists another group which must bear the burden, is lopsided logic.

To eliminate youth fares on airlines is about as sensible as eliminating children's rates at movie theaters.

In the long run, the discontinuation of youth fares may even cause an increase in rates for full-fare passengers. Since the youth fare system provides a significant source of revenue for several airlines, something will have to be done to compensate for the loss of this revenue. It should therefore be clear to the CAB that the enforcement of its decision would in no way be beneficial to the adults who are "discriminated" against, and would serve only as a hardship for college students.

A government agency should seek to preserve justice, not create hardships where none exist. And what could be more just than to provide inexpensive air transportation for students who generally carry heavy financial burdens? It seems that the CAB had better reexamine its intentions.

[From the Gonzaga University Bulletin, Feb. 7, 1969]

YOUTH STANDBY RATES MAY STOP

A Civil Aeronautics Board examiner ruled about two weeks ago that "youth fares should be dropped." Unless the board decides to review the decision, it will automatically become effective in 30 days.

It appears few students know of this action and are unable to respond. The Bulletin urges students to protect their youth fares and to write immediately to The Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., 20009. It is important that this be done within 30 days of the ruling, prior to February 21, so that a new hearing will be set.

It is claimed that the discounts are "unjustly discriminatory" against passengers who must buy full fares only because they don't fall within the age group offered the youth reductions. Currently, 24 U.S. airlines offer discounts of 33 and a third per cent to 50 per cent off regular jet-coach fares to persons between 12 and 21 years of age.

There are arguments on both sides of the issue. The Bulletin feels that the claim is at least questionable. The question deserves further treatment. Every student interested in maintaining these rates should ask now that the decision be reviewed.

Western Union now offers an "opinion telegram". For 90 cents a fifteen word telegram may be sent from anywhere in the U.S.: to any congressman, and to the President and Vice President. Telegram messages are accepted by phone.

SENTINEL MISSILE SHOULD BE HALTED INDEFINITELY

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PELLY. Mr. Speaker, I believe that the administration and the appropriate committees of the Congress should take a very careful second look at the Sentinel missile defense system. I say this as one who originally on the recommendation

of President Johnson and Secretary of Defense McNamara supported this anti-missile system. I say it as one who reiterated this support in testimony in January before the House Committee on Appropriations.

However, since then, after giving careful thought and study to the Sentinel program, I have decided on the basis of further facts that the program should come to an indefinite halt or at least until after nuclear disarmament talks with the Soviet Union.

Mr. Speaker, I have urged President Nixon to stop the Sentinel, at least until after talks with the Russians, and in this connection I include the text of my letter to him which outlines the reasoning that prompted me to write this letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 17, 1969.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The purpose of this letter is to strongly urge you to defer all further implementation of the Sentinel Missile Program indefinitely, or until after any disarmament negotiations with the Soviet Union.

Because one of the proposed missile sites is scheduled for my Congressional District I have had occasion to carefully consider the pros and cons of this anti-ballistic missile defense system. In this connection, I fully agree with your recent statement when you said you did not buy the assumption that the "thin shield" system is to protect us from Red Chinese missile attack. After all the former Secretary of Defense, Robert S. McNamara, stated on September 18, 1967, that the United States has the power not only to destroy completely China's entire nuclear offensive forces, but to devastate her society as well. Surely this capability is sufficient to deter any Communist Chinese missile attack. As Secretary McNamara said then, it would be insane and suicide for her to launch such an attack.

Thus, I conclude, the present sentinel is actually a first step toward the so-called heavy ABM system although at best it has little promise of producing an adequate shield. However, surely if we did develop such an anti-Soviet shield, such a program would certainly induce the Soviets to increase their offensive capability to overcome any defense moves of ours. It seems to me any decision to proceed needs a careful second look.

I voted last year for the funds to initiate the sentinel system. Until recently I felt the same way in support of that program. I did not want, nor do I now want the Soviets to outdistance us in offense or defense.

But, now I feel it is advisable to pause in this costly program. I realize you, as President, do not want to take any risks. But, would a deferment in the sentinel program constitute a risk? I don't feel it would.

So, Mr. President, I urge that you halt the sentinel missile program at least until the need for any anti-missile protection is clearer. Surely the decisions of the past are sufficient to indicate to the Communists our intention to build a strong defense if need be—but let us talk nuclear disarmament and common sense with the Russians before we proceed with this weapons system which to say the least has dubious value.

Respectfully,

THOMAS M. PELLY,
Member of Congress.

RACKETEERING AT ITS WORST

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. GROSS. Mr. Speaker, I wish to call to the attention of the House an article in the February 14, 1969, edition of Life magazine detailing the almost unbelievable corruption by labor mobsters and racketeers at the Gateway Army Ammunition Plant in St. Louis, Mo.

This situation was reported to the Department of Defense a year ago by the plant's commanding officer, but apparently nothing happened.

What is even more shocking is that someone in the last administration allowed these mobsters to get control of this plant, resulting in the shocking situation of racketeers controlling the production of ammunition for our fighting men.

I have today asked Defense Secretary Laird to look into this matter and tell me what is being done to expose and punish those responsible for awarding this outrageous contract.

I include the magazine article for publication in the Record at this point:

THE MOB

(By Denny Walsh)

On Sept. 25, 1967, because of an urgent shortage of 175-mm shells, the U.S. Army began converting a sprawling St. Louis steel foundry, mothballed since 1950, into a fully automated munitions factory. It would be known as the Gateway Army Ammunition Plant, and it was scheduled to be rushed to full production by July 1, 1968. Not until Christmas did the first batch—312 usable shells—trickle off the line. Full production will not be reached until next July, a year late.

The plant conversion costs, more than \$22 million, nearly tripled first cost estimates of the Army Corps of Engineers.

Why?

Because—through a combination of corrupt St. Louis unions and mismanagement and lack of foresight on the part of the U.S. Army—the Mob has been fattening on the Pentagon's payroll, and making sure the gravy would last as long as possible.

A federal grand jury, set in motion late last summer, is still actively investigating the loss of millions of dollars at the ammo plant through union featherbedding, ghost payrolling, work slowdowns, phony overtime and virtually every other kind of on-the-job chicanery known to man. And though Congress clearly wishes the Gateway scandal would go away, there are several individual congressmen who seem determined to get to the bottom of it.

The proud and beautiful city of St. Louis has an unwholesome legacy of union racketeering, in which the Mafia-dominated crime syndicate has played the major role. Mob-controlled unions hold much of the available labor in a virtual hammerlock.

Despite these unpromising conditions, the U.S. Army decided to build its desperately needed facility in St. Louis because the government already owned a cobwebby old steel foundry there, built during World War II in the southwest section of the city. So simple did the plant's conversion appear to the Army that, in spite of some misgivings about the potential labor force, it estimated a mere \$8 million for the changeover and confidently predicted completion by early the following summer.

Actual shell production ultimately would be handled by the Chrysler Corporation. The contract for the conversion was let to Mason-Rust, a joint-venture contractor with headquarters in Pittsburgh, Pa. and Lexington, Ky. Normally, such a contract would be awarded on a firm competitive-bid basis. In view of the urgency of the need for the big shells, however, the Pentagon elected to grant the Gateway conversion contract on

a cost-plus basis—the government underwriting all expenses and guaranteeing the contractor a profit of \$300,000 on completion.

Like the steel foundry itself, cost-plus was a creature of World War II, and pretty generally in disuse since the Korean conflict. To the Corps of Engineers, it looked like an expediency justified by the need for speed. To St. Louis mobsters in control of critical unions, it looked like a bonanza. It has proved to be just that, providing a small army of Mob soldiers, relatives and high-rankers with some of the easiest walking-around money they've ever picked up—and all "legitimate."

What Mason-Rust lacked was a cadre of its own permanent workers based in St. Louis. It had to make do with an imported management team, which was immediately at the mercy of Local 42 of the so-called Common Laborers (Laborers International Union of North America AFL-CIO). Of this local, as we shall see, the Mob was by all odds the lowest common denominator.

A pattern of featherbedding and general inefficiency quickly took shape. By Jan. 5, 1968, the plant's commanding officer, Lt. Colonel Frank S. Quattrocchi, had become incensed enough to sit down and write a five-page letter to his commander, Brig. General B. R. Luczak, at the Ammunition Procurement and Supply Agency (APSA) in Joliet, Ill.

Although Colonel Quattrocchi did not, at that time, realize the project had been invaded by the crime syndicate, his letter was full of insight. He told the general that, based on the payroll of Mason-Rust and his own staff's estimate of the labor productivity, "we are ineffectively spending approximately \$21,000 per week."

Quattrocchi took note of one accepted fact which, to an average taxpayer, stands as a shocker: the Corps of Engineers from the outset was prepared to concede a 30%-35% lag in productivity as a calculated loss to featherbedding. In other words, it expected only 65%-70% production from the Mob-controlled unions. What it was actually getting, Quattrocchi fumed, was "25% productivity to an absolute maximum of 50%."

Colonel Quattrocchi then described an inspection tour he had made on the previous morning. Whereas 360 workers were accounted "present"—for pay purposes—at that hour, the colonel's head count netted 260. Of these, 60 were doing absolutely nothing. Roughly half of the remaining 200 appeared engaged only vaguely in constructive endeavor. The others were gathered in groups of four and five, "wandering aimlessly back and forth, or standing as if uncertain what they were supposed to be doing."

In passing, Colonel Quattrocchi mentioned that the Corps of Engineers' resident engineer on the job, Ralph O. Rogers, and the Mason-Rust project manager, Joseph M. Higgins, had both conceded that productivity was even below minimal expectations but had shrugged it off as "typical of the St. Louis area."

Quattrocchi's report could hardly have come as a surprise to the general. A representative of APSA's engineering division had previously visited the plant and filed a report which stated:

"It was noted that an excessive number of men are working in this building. . . . They get in each other's way. A good example was the moving of office desks into the third-floor offices. One truck, one crane and 13 men were being used to do the job that three or four men would normally do. Everywhere in this building men were standing around, generally drinking coffee. . . ."

At least two other reports by APSA officials, written prior to Colonel Quattrocchi's letter, indicated similar findings. They were further supported by the report of an official from the Army's munitions command at Dover, N.J.

One point in particular in Colonel Quattrocchi's letter caught General Luczak's eye.

This was the colonel's mention of the "actual fear by the Mason-Rust first-line supervisors of the unions."

This fear was well-founded. Based on the Quattrocchi letter and an investigation by his own provost marshal, General Luczak decided the Justice Department should be asked to investigate. He telephoned Brig. General Craig Cannon, engineer of the Corps' Missouri River Division in Omaha, and told him so. General Cannon insisted that asking federal authorities for help was his—Cannon's—prerogative, since this was a Corps contract.

Cannon never requested an investigation. The Army's present explanation is that newspaper stories on lagging work at the plant had already stirred an active interest on the part of the FBI and the U.S. Attorney in St. Louis. The fact of the matter appears to be that the idea of calling in the FBI simply fell between stools—or between generals—and there, so far as the Army was concerned, it lay.

Meanwhile, as the work fell further and further behind schedule and labor costs mounted, an aura of new prosperity began to glow over the city's colony of gangsters. A lot of them were personally on the Mason-Rust payroll, their contribution being the absenteeism and/or do-nothingism that Colonel Quattrocchi had observed. Nor did they settle for mere straight time. Last July, for example, nearly half of the \$275,000 payroll went for overtime. Some idlers were logging as much as 88½ hours a week.

In the same month, as a specific example of the way the taxpayers' largesse was being disposed, one Frank (Butch) Shoulders drew down roughly \$2,500, which was twice as much as the plant commander himself was getting.

Butch was on the books as a "job superintendent." He just happens to be the brother of Lou Shoulders Jr., the burly ex-convict who is the boss of Local 42 of the Common Laborers and son of the late St. Louis police lieutenant who figured in the celebrated disappearance of the Greenleaf ransom money in 1953. Lou got his start years ago with the Teamsters, beating up nonunion plumbers in Granite City, Ill. for \$25 a day. ("Are you a good goon or just a cheap one?" he was once asked by Senator John McClellan. Shoulders took the Fifth.) There was a stretch in a federal prison on an interstate theft charge, after which he was taken under the wing of the late Frank (Buster) Wortman, who ran the East St. Louis Mob. It was with Buster's backing that Lou got control of Local 42. Today, as a measure of the affluence that the project at the ammo plant has enhanced, he buzzes around in a white Cadillac convertible, flashes a large diamond ring and has taken to carrying two or three thousand in cash.

Even if Lou Shoulders had no connection with organized crime, the excesses of his Local 42 members on the Gateway job—let alone the fact that the employer held still for them—were outrageous enough.

Government officials learned of one occasion on which some 40 workers were seen to disappear into a tunnel on the job site, where they presumably spent the rest of the day goofing off. There was copious evidence of drinking and gambling in the construction area. And when such on-site diversions as these were insufficient, some of the crew on the night shift took to leaving the project through holes in the "security" fence surrounding the plant to put in their time at neighborhood taverns.

On one of his personal tours of the plant, Colonel Quattrocchi noticed a man "who seemed to do nothing except stand in one place." He was told that the man was a guard. Actually, the "guard" was William Vincent Spinelli, also known as "Jack Harris," a nationally known gambling figure. (More recently, Spinelli hit print when the U.S. Supreme Court overturned his 1966 interstate gambling conviction in a bitterly

split decision revolving around the legality of an FBI search warrant.)

As it happens, Spinelli and another Mason-Rust "employee" at Gateway, one Jack Joseph, work for Anthony Giardano, the St. Louis Cosa Nostra Boss, as bookmakers and gamblers.

Why were men like these standing around the munitions plant? To get paid. To keep a hard eye on things for the Mob. And once in a while to pick up a few bucks for their bosses on a shakedown. Spinelli and other mobsters were, in fact, using intimidation to extract money from union members in return for guaranteed overtime.

One of Spinelli's shakedown colleagues was William Sanders, who, like Lou Shoulders, was a Buster Wortman protégé—a muscleman and enforcer. Sanders went on the Mason-Rust payroll Jan. 23, 1968 as a foreman. He was fired March 30 for "sleeping on the job." Clearly someone made a mistake, for four days later he was hired back, again as a foreman. Why? Company officials have been hesitant to explain it to the government; privately, they have acknowledged that their motive was simple: fear.

Sanders remained on the job until September 9, when he and an associate, Thomas Bray, were arrested by the FBI on warrants charging them with taking kickbacks. Sanders' official earnings for the 7½ months totaled \$13,264.58.

Spinelli was arrested three weeks later and similarly accused of taking kickbacks. During his seven months of "guard" duty at Gateway, he had drawn more than \$14,000, in spite of the fact that he is known to have been at various locations outside the plant during much of his "working" time. On Nov. 1, 1968, Spinelli, Sanders and Bray were all indicted by the federal grand jury on the kickback charges.

As the grand jury investigation progressed, not only did the prevalence of the kickback system on this job become apparent but also the terrorism that backed it up. Local 42 had come to Gateway fresh from exercising jurisdiction and muscle on construction of the free bridge across the Mississippi between St. Louis and East St. Louis, and no rank-and-filer would likely forget the object lessons learned there. The union's presence had delayed and hiked the cost of that job. One contractor, Dravo Corporation of Pittsburgh, which built the piers for the span, dropped a cool \$1 million. Hoodlums on the bridge project, including Lou Shoulders himself, toted guns. One union member, a 32-year-old ex-convict named Marvin Shook, was slain gangland fashion on the job site on Dec. 3, 1964, presumably for getting out of line. What is more, two union officials who protested the hiring of certain hoodlums were brutally beaten and ordered out of town "within 48 hours." All this, it seems, was thought to be of marginal consequence by the U.S. military when they elected to locate the munitions plant at Gateway.

It did not escape members of Local 42 who were called before the grand jury in the Gateway investigation. Several, in taking the Fifth on questions regarding shakedowns, bluntly explained that they did so out of fear for their lives. Of continuing interest to the grand jury are the cases of two of Mason-Rust's own timekeepers, who were scared off the job in December 1967 and replaced by timekeepers of the Mob's choosing.

There were, to be sure, ways other than a simple payoff to get in on the action at Gateway. For example, you could be the nephew of Mafia Boss Giardano. One who was fortunate enough to have this connection was Matthew (Mike) Trupiano, a native of Detroit, who floats in and out of St. Louis depending on what his uncle has going for him. Trupiano was tending bar in a go-go joint in St. Louis—run by another nephew—when he heard about the gold rush to Gateway. Recommended by his uncle and another influential gentleman named James A.

(Jimmy) Michaels Sr.—ruler of the powerful Syrian crime cartel operating in St. Louis and an "ally by treaty" of the Cosa Nostra—Trupiano achieved membership in Local 42. Almost instantly, Trupiano showed up on the ammo plant payroll, with Uncle Tony Giardano's address listed as his home.

Seventeen days later, in the middle of a Thursday afternoon, Trupiano was arrested and charged with first-degree burglary and with flourishing a deadly weapon in connection with some efforts he had been making to collect a debt for his uncle. When Trupiano was released on bail the authorities set up a watch on his movements. Over five consecutive days, during which he was being paid for work at Gateway, he never came close to the plant. (Ultimately, the charges against Trupiano were dropped when the only witness in the case was suddenly unable to identify her tormentor in a lineup.)

Trupiano stayed on the Mason-Rust payroll until June 29, drawing \$8,000 for his four months. Then he quit, and on July 1 he became a business agent of another Common Laborers local—110—complete with fat salary, expense account, automobile, gasoline credit cards and pension and welfare benefits. As business agent he functions as a lieutenant of 110's behind-the-scenes boss, John Vitale, the No. 2 St. Louis Mañoso. (At one point Vitale himself, bewitched by the tales of quick riches, confided to friends that he was thinking of going on the Gateway payroll to "pick up some easy money." Cooler heads prevailed.)

All the while, Lou Shoulders, boss of Local 42, was exercising his own prerogatives of office. For example, a notorious East St. Louis pimp, who has an "in" with the jockeys and was winning big at two nearby tracks, found himself on the ammo payroll with Shoulders' blessing. Lou himself is a big bettor on the ponies and likes to ride with the smart money.

The list of prominent mobsters and assorted heavies and hangers-on who basked in this environment at top-scale pay goes on and on. Here is a sampler:

Anthony (Lefty) Bova, an associate of Giardano, was carried on the Mason-Rust payroll from Oct. 27, 1967 to April 3, 1968—while simultaneously employed as a Chevrolet salesman in the suburban city of Pacific, Mo.

Leo J. Finocchiaro, another longtime sidekick of the Mafia boss, ran the handbook at the ammo plant for six months while knocking down \$10,000 in straight pay and overtime. He was served with a federal subpoena on the plant site—two months after he had been fired and was no longer authorized to be there.

Fred Garozzo was employed by Mason-Rust as a laborer but managed to find time to run a *barbut* (dice) game for Giardano—in which, by the way, John Vitale, as Giardano's Mafia Underboss, and Ralph (Shorty) Caleca, a Giardano lieutenant, had interests. And it should be mentioned that Garozzo was working regularly at the same time as a waiter in a St. Louis restaurant.

Wilbourne (Babe) Harvill, an old union slugger and Shoulders loyalist, pocketed \$2,500 in a brief two months on the project. (His brother, T. J. Harvill, is field business agent of Local 42.)

There also were Warren F. (Duke) Dapron, a gambler employee of the Michaels mob; Salvatore Marchesi, another Giardano soldier; George G. Michaels, professional oddsmaker and cousin of The Old Man (Jimmy Michaels Sr.); Earl J. (Lefty) Miller, burglar, gambler and running mate of Jimmy Michaels Jr.; Joseph Palozzola, a Giardano man; Robert G. (Bucky) Reask, another Michaels cousin and Syrian underworld operative; Anthony Russo, who must have been kept hopping between his job at Gateway as a laborer and proprietorship of Antonio's Pizzeria and operator of a gambling game at the Congress Inn for Shorty Caleca.

Also, Joseph A. Scalise, a syndicate arson-

ist; Joseph P. Sciales, associate in the grocery business with John Ferrara, a Cosa Nostra consigliere (counselor); Marco D. Vainiko, sometime saloonkeeper and fulltime MOB gambler, and so forth.

While it lasted, the Gateway conversion was, in the words of Veryl L. Riddle, U.S. Attorney for Missouri's eastern district, "one of the chief sources of illegal revenue for the hoodlum element of St. Louis." A civilian engineer attached to the Army's procurement command, having witnessed the mass shirking going on at the site, groped for, found and corrupted a Churchillian phrase to describe what he saw happening. "Never," he wrote in his report, "have so many done so little for so long a time."

THE LATE ALBERT W. FULLER

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, it is with great sadness and sorrow that I inform my colleagues of the recent passing of Albert W. Fuller, editor-in-chief and copublisher of the Brockton Enterprise. Mr. Fuller was a man of many talents and his accomplishments are a fitting testimonial to his active and diligent efforts on behalf of his fellow man.

Mr. Fuller was graduated from Brockton High School and later attended the Massachusetts Institute of Technology. He went on to serve his country in North Africa during World War II, where he obtained the rank of captain with the Military Administration Corps.

Mr. Fuller was instrumental in forming the 100 Club in Brockton, an organization designed to aid families of firemen killed on duty.

Devoted to public service, he continued his efforts in various ways. As a resident of Abington, he served as a member to the finance committee and as chairman of the school survey committee. Mr. Fuller was a trustee and member of the executive committee of Goddard Memorial Hospital and also served as chairman of the Brockton Public Safety Committee.

Active as he was in public service, he also found time to participate in several civic and fraternal organizations such as the Paul Revere Lodge of Masons and the Satucket Royal Arch Chapter.

I pay tribute to this man, a fine individual and outstanding community leader. His presence will be sorely missed in the South Shore area and by those who loved him so dearly.

I enclose several news items as a final tribute to Mr. Fuller:

[From the Brockton (Mass.) Enterprise, Feb. 11, 1969]

FINAL TRIBUTE PAID TO ALBERT WALKER FULLER—THIS IS HIS KIND OF DAY

(By Paul R. Stevens)

NORTH EASTON.—With snow in abundance and ice-covered twigs flashing by the millions in the sun outside Unity Church here Monday—the day of his funeral—it was the kind of day that Albert Walker Fuller, 64, co-publisher and editor-in-chief of the Brockton Enterprise, loved most in life.

As one friend put it, "This is the kind of winter weather that would get him out in his car for a drive to Lee's Mills Rd. in Moultonboro, N.H., where he used to love the snow. The higher the drifts piled up around his lodge, the better he liked it."

More than 100 dignitaries, relatives, En-

terprise employees and close friends threaded their cars through the canyon-like highways, made so by the snow pushed back by plows, to attend the afternoon rites.

"And it is above all fitting that we should be taking our leave of him on just such a day as this," said Mr. Fuller's minister and friend, the Rev. Edmund Palmer Clarke, in his eulogy.

"This is his kind of day."

It had snowed all morning, and much of the day before, so that by 1 P.M., when the sun broke through the clouds, transforming the area into a glittering winter wonderland, 11 inches of snow was on the ground. Wind had whipped it into gigantic drifts.

But, mindful that the funeral would be held as scheduled, workers on the town's plows had cleared all roads leading to Unity Church, and the plow that Hall Funeral Home had brought, "just in case," was not needed.

Mr. Fuller died Friday at Goddard Memorial Hospital, Stoughton, where he had been a long-time trustee and member of the executive committee.

He had had various painful illnesses over almost a decade, but he had remained interested and active in shaping the newspaper's policies and daily business, as well as being active in many public-service endeavors, until the last several weeks of his life.

Taking note of Mr. Fuller's courage in facing physical adversity, and continuing with good works while illness and pain took their tolls, Rev. Clarke said:

"I have never known a man more willing to give of himself and his substance to the full in service that was richly rewarding to the people who knew him.

"In these later years, he carried on his service to others in spite of severe physical handicaps, in spite of extraordinary mental anguish, and in spite of frequent periods of depression when it seemed to him that his world was about to come tumbling down.

"He found solace in a deep-seated religious conviction and, only a short time before his death, he quoted to me a verse from the 106th Psalm, which best summed up his own beliefs: 'O give thanks to the Lord, for He is good; for His steadfast love endures forever.'"

The minister, who spent an average of five hours a day with Mr. Fuller at the hospital toward the end of his life, and who was with him just 20 minutes before his death, said "His faith, his ability to withstand affliction, his acceptance of the trials of nature, will long survive the saying of goodbye we are today forced to undergo."

He ended the eulogy by reading these verses from Shakespeare's "Hamlet":

"So I am glad, not that my friend has gone,
"But that the earth he laughed and lived upon,
Was my earth, too.

"That I had closely known and loved him,
"And that my love I'd shown.

"Tears over his departure?

"Nay, a smile,

"That I had walked with him a little while. . . ."

Mr. Fuller long had been a friend of firefighters and was instrumental in getting Brockton's firefighting equipment modernized. He helped to organize the Brockton branch of the Hundred Club in 1965, an organization that gives financial help to widows of firefighters and policemen killed in the line of duty.

As the hearse bearing Mr. Fuller's body left Brockton for North Easton, the driver drove slowly past Central Fire Station on Pleasant St.

Fire Chief Edward L. Burrell, who used to attend the Mass. Fire Chiefs Assn. meetings with Mr. Fuller, ordered the fire trucks out on the apron before the fire station.

As Mr. Fuller's casket moved by at about 12:30 p.m. firefighters rang the truck's bells in salute.

Accompanying Chief Burrell later to the funeral were Capt. Richard F. Sullivan, head of the Fire Prevention Division of the Brockton Fire Dept., and Firefighters George F. Mather and Francis J. Clark. Clark is secretary-treasurer of the Firefighters Union.

Mayor John E. Sullivan, City Councilor Paul V. Studenski, former City Manager William Gildea, Police Chief Joseph C. Wright and Police Capt. James P. Cody also attended.

Representing U.S. Rep. James A. Burke, D-Quincy, the Congressman from this area, were Edward J. Moore, administrative assistant to Rep. Burke, and Robert D. McGilveary, the congressman's Quincy secretary.

Roger Keith, Jr., prominent Brockton insurance man, brother of U.S. Rep. Hastings Keith, and member of the Goddard Memorial Hospital's executive committee with Mr. Fuller, William B. Sheehan, the hospital's administrator, and Robert M. Keith, president of the hospital, also were present.

A large delegation from the Enterprise, including Kenneth G. Dalton, assistant editor and columnist; Malcolm S. Dalton, news editor; Melvin W. Smith, city editor; Bruce P. Smith, county editor, and Peter T. Farley, sports editor, attended.

Among many other friends at the rites were Atty. George L. Wainwright, City Clerk Melvin B. Clifford, Probate Court Judges James R. Lawton and Francis P. Murphy, William A. Faver, North Easton Fire Chief Ray Buck and Atty. Warren H. Lindberg.

Robert Gauthier of United Press International, Boston, also attended.

Among family members present were Mr. Fuller's wife, Marjorie; his son, Myron F., and his wife, Maxine; his brother, Charles A. Fuller, copublisher of the Enterprise, and his wife, Helen; his nephew, Charles N. Fuller; two daughters, Miss Susan Fuller and Mrs. Raymond F. (Melissa) Smith, Jr., and her husband; his cousin, Walter Dunbar and his wife, Jane A. (Jane) Graves of Ponte Vedra, Fla., was unable to attend because the storm had grounded her plane in Washington, D.C.

Because of the weather, a committal service followed the regular service in the church. Mr. Fuller's casket was taken back to the Hall Funeral Home in Brockton after the services. Burial will be held in Melrose Cemetery, Brockton, as soon as weather permits.

After the services, Rev. Clarke said, looking out the window at the snow from his study at the rear of the church, "Yes, he wouldn't have had the weather any different for his funeral."

As he spoke, a high wind whipped through branches of ice-caked trees, making them snap, creating a kind of blustery requiem in the kind of snow weather Mr. Fuller had loved.

[From the Brockton (Mass.) Enterprise, Feb. 8, 1969]

ALBERT W. FULLER, 64, COPUBLISHER, DIES

Albert Walker Fuller, co-publisher and editor-in-chief of the Brockton Daily Enterprise, died Friday in Goddard Memorial Hospital following a long illness. Mr. Fuller made his home at 31 Priscilla Rd., South Easton with his wife, the former Marjorie Gilbert of Brockton.

He was 64 years old.

Mr. Fuller was born in Newton, son of the late Charles L. and Gertrude (Walker) Fuller. The third generation of Daily Enterprise publishers, he was the grandson of the late Albert H. Fuller, founder of the Enterprise.

Funeral services will be at Unity Church of North Easton, Monday, Feb. 10, at 2:30 P.M. Interment will be in Melrose Cemetery. In lieu of flowers, gifts may be made in his memory to the Albert W. Fuller Memorial Fund at Unity Church of North Easton. There will be no visiting hours.

He was production manager for the Daily Enterprise when he entered the U.S. Army as a second lieutenant in May of 1941. He was made first lieutenant in December, 1942, as a member of the medical supply corps, and received his captaincy in the Medical Administration Corps. He was stationed in Manchester, N.H., Fort Dix, N.J., and saw active overseas campaign service in North Africa.

Mr. Fuller was a fair man. He wanted nothing less than the best effort from everyone in his department of this newspaper, but was tolerant with those who took a little longer to achieve their best. Those who served their newspaper apprenticeship under his guidance respected him as an employer and a friend.

He once said to a young reporter: "When you cease to be objective in your reporting of the news you cease to be a newspaperman worthy of your salt."

Mr. Fuller was deeply interested in the famed Hundred Club, the organization which gives immediate financial aid to dependents of firefighters and policemen who give their lives in the line of duty. There are a number of clubs across the state and Mr. Fuller was a moving force behind the organization of the Brockton Branch of the Hundred Club in 1965. He was a close friend of George Swartz, executive president of the Hundred Club of Mass., Inc., who assisted him in forming the Brockton branch.

While residing on Col. Hunt Drive, Abington, Mr. Fuller was a member of the town Finance Committee and was chairman of the town school survey committee in 1958. He served also on the Brockton Public Safety Commission for a period of time.

Mr. Fuller was educated in the Brockton schools, graduating from high school here, and later attended Massachusetts Institute of Technology.

As co-publisher of the Daily Enterprise with his brother Charles A. Fuller, since the death of their father, he was elected president of the Enterprise Publishing Co. in January, 1961.

His fraternal affiliation was Paul Revere Lodge, AF&AM, the Satucket R.A. Chapter, and he was a member of Unity Church, North Easton.

He was a member of the Board of Trustees and the Executive Committee of the Goddard Memorial Hospital in Stoughton.

Mr. Fuller shunned publicity and worked behind the scenes on many occasions to help the drives and movements to aid the needy.

He was deeply interested and held as an authority on fire department administration and methods of fire-fighting. His counsel was sought in these matters on many occasions and his judgment was seldom questioned.

Mr. Fuller was a lover of the sea and made voyages to many parts of the world. This past fall he and Mrs. Fuller had made a trip to England and Scotland, two of Mr. Fuller's favorite spots in his world of travel, where he visited relatives.

Mr. Fuller is survived by his wife; a daughter, Jane, (Mrs. Alvin S. Graves) of Ponte Vedra, Fla.; a son, Myron Foster Fuller of Brockton; a daughter, Susan of South Easton and another daughter, Melissa (Mrs. Raymond J. Smith, Jr.) of South Easton; his brother, Charles A. Fuller of Brockton; and his grandchildren, Jane, Philip, Steven and Adam Graves of Ponte Vedra, Fla., and Robert and Scott Smith of South Easton.

LEADERS IN POLITICAL AND CIVIC LIFE PAY TRIBUTE

Political and civic leaders today paid tribute to the memory of Albert W. Fuller, citing the late co-publisher's many achievements—both as a newspaperman and a private citizen—in making Brockton a better community in which to live, for people in all walks of life.

Cong. James A. Burke, D-Milton: "I am deeply saddened as thousands must be by the passing of Albert W. Fuller. As editor-in-chief of the Brockton Enterprise he made

great contributions to that which he loved, the City of Brockton and its surrounding communities. He gave unstintingly of his time and efforts for worthy and constructive causes, and his good work has left its mark on the Brockton Community. His love of nation, state and community were further evidenced by tireless efforts in behalf of worthy projects for his area."

U.S. Rep. Hastings C. Keith, R-West Bridgewater: "I was deeply saddened to hear the news of the passing of my old and dear friend, Albert W. Fuller. He was a man who cared deeply for his community, and his fellow man, and we are all the better for having known him."

State Sen. James F. Burke, D-Brockton, chairman of the Senate Ways and Means Committee: "I look back upon the humanitarian efforts this man contributed to our Greater Brockton area, and in so doing, I recall Albert once telling me it was his deep belief that 'The corporeal works of mercy which I exercise will only some day help me as I seek my eternal reward.'"

Mayor John E. Sullivan: "I used to drop by at his office and talk with him of many community matters, and he was always receptive. His heart and soul were in the betterment of Brockton. He will be sorely missed."

Fire Chief Edward L. Burrell: "He was well known throughout the state as a friend of firefighters. He belonged to the Mass. Fire Chiefs Assn., and often went with me to meetings all around the Commonwealth. As chairman of the Mayor's Public Safety Advisory Committee, and in his capacity as a newspaperman, he contributed greatly to the securing of new fire apparatus for Brockton."

Police Chief Joseph C. Wright: "He took a deep interest in promoting public safety in Brockton, advocating and strongly working for advanced equipment for the Police Department. He was a friend of both firefighters and policemen, and showed this tangibly by being one of the organizers in Brockton of a 100 Club chapter." (The 100 Club is an organization that gives financial help to widows and families of firefighters and policemen killed in the line of duty.)

City Clerk Melvin B. Clifford: "I held him in high esteem. I found him to be a fair and considerate man. He had wide knowledge of municipal affairs, and he served with distinction in the public positions he held."

William B. Sheehan, administrator of Goddard Memorial Hospital, Stoughton: "Mr. Fuller was a conscientious and dedicated member of the board of trustees of Goddard Memorial Hospital, and a loyal friend. His understanding and foresight in bringing about the solutions to our problems will be missed by us all."

Dr. Ernest E. Wiesner, chief of medicine at Goddard, Mr. Fuller's physician and long-time friend: "He was intensely interested in being a pioneer in new medical advancements. Being a newspaperman, he was a key in promoting newer developments in medicine for the good of the area. Brockton has lost a key fighter for good health and good medicine."

The Rev. Edmund Palmer Clark, minister of Unity Church, North Easton: "Albert and I were very close friends ever since I came to North Easton three years ago. One of the things that impressed me about him was that it was his intention to keep the Enterprise a family paper—one anybody in the family could pick up without seeing a lot of dirt and scandal."

Probate Court Judge James R. Lawton: "I deeply regret the passing of my dear friend of many years, Albert W. Fuller. He faced his long illness with the same courage and determination that marked his entire life. His family and our community have all suffered a great loss. Albert W. Fuller was a real champion of a good and just society, and his influence and purpose in advancing the common good, and the general welfare of

our society, I am sure, will be carried on by the members of the family."

Probate Court Judge Francis P. Murphy: "With the passing of Albert W. Fuller, the people of Brockton and Plymouth County have lost a true friend. Over the years, as the community and the Brockton Enterprise have grown together, Albert W. Fuller never lost sight of having his publication keep in touch with all who had a voice to be heard on any issue. He truly shall be missed."

Atty. Warren H. Lindberg, long-time personal friend: "He was a frequent visitor at our house. My wife and I will miss him greatly. He had a tremendous will to live. He was ill a long time, but he kept going, and going. He didn't whimper, or cry. He had more guts than almost anybody, and he had savvy way beyond what people who didn't know him well realized. Did you know he was wounded in World War II? He never talked about it, but it's a fact he was wounded serving his nation."

Roger Keith, Jr., Brockton insurance man, member of the Goddard Memorial Hospital executive committee with Mr. Fuller: "He was a potent force in the community for good government. He was a very thoughtful man, who gave a lot of time to charitable work, and in particular to the Goddard Memorial Hospital."

Vincent A. Choate, executive director, Greater Brockton Chamber of Commerce: "My relationship with him was in the area of the business community and promotion of the region as a whole, and improving the economics of the area."

Robert M. Keith, president of Goddard Memorial Hospital: "I had the real pleasure of working with Albert as a trustee. His valuable counsel and interest, which was continuous from the time the hospital moved from its obsolete, wooden building in Brockton, to its present, modern facilities in Stoughton."

Lawrence Lynch, who was Brockton's Fire Chief from 1946 until he retired in 1961: "He was very much interested in the Fire Department from the time he was a boy living on Spring St. His home was near that of the late Fire Chief Frank F. Dickinson, who at that time was deputy chief. Albert as a young man often went to Central Station and accompanied Dickinson to fires. Albert became an expert in the fire prevention field."

John J. Williams, publisher and editor of the Brockton Union: "I used to have coffee and doughnuts with Albert at McCarthy's in the morning, and he'd give me story tips . . . things he said he couldn't use, but things he still thought made good stories. I always liked Albert. When he took over the news and editorial direction of the Enterprise he livened up the paper. He brought it freshness. He changed the style, and broadened the paper. He was an individualist, and we need more like him."

[From the Brockton (Mass.) Enterprise]

ALBERT WALKER FULLER

Albert Walker Fuller was the co-publisher and editor-in-chief of this newspaper, but he preferred to be called a newspaperman.

He was a good newspaperman, with a keen insight on news and its value.

In his position as editor-in-chief, Mr. Fuller never allowed personal feelings to enter into his judgment of the news value of any story.

His rule was: Be fair; criticize only when criticism was valid; never be sensational for the sake of making a headline.

Mr. Fuller followed in the tradition of his family. His grandfather, Albert H. Fuller, founded this newspaper and Albert W. Fuller was third in the generations of publishers in the family.

He was a man of varied interests, an acknowledged authority on modern firefighting techniques, an avid reader and sportsman.

It was not Mr. Fuller's desire to project himself in the public eye.

Mr. Fuller's office door was always open to members of his staff, civic leaders and numerous holders of public office who sought and valued his counsel.

Under his guidance this newspaper moved ahead, and he would have wanted that to be his memorial.

TRIBUTE TO THE NAVAL FACILITIES ENGINEERING COMMAND, THE CIVIL ENGINEER CORPS, AND THE SEABEES ON THEIR ANNIVERSARIES

(Mr. McCORMACK (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCORMACK. Mr. Speaker, this month marks the 127th anniversary of the Naval Facilities Engineering Command, the 102d anniversary of the Civil Engineer Corps, and the 27th anniversary of the Seabees.

It gives me great pleasure and pride to congratulate the men and officers of these three fine organizations.

On such occasions as these, we can, with profit, recall the traditions that have been handed down to these commands. The milestones of their past provide a source of encouragement and inspiration to all of us.

During their 27th year as an active, fighting, construction force, the Seabees continue to build facilities for the Navy, Marines, and other agencies all over the world, from Rota, Spain, to Vietnam, and from Alaska to the Antarctic.

Not satisfied with construction alone, Seabees are doing a tremendous job in conducting civic action programs, working with construction-area residents on community development, disaster recovery, and training projects.

In a large measure, the men and officers of the Seabees are the Navy's "Peace Corps." The Seabees' "can do" spirit and vigorous approach to their responsibilities, combined with construction skill and experience, continue to make them a steadfast and vital element in the Navy's Operating Forces.

Our present-day Seabees are training to achieve "readiness" to meet situations resulting from any emergency—continuing the traditions begun in World War II when the Seabees built more than 400 advance bases in the Pacific and Atlantic theaters at a cost of \$2 billion.

The Seabees are still building the Navy's advance bases overseas. But there is a difference. Today's bases are built by men who are some 20 years younger than their World War II counterparts who averaged 40 years of age.

The World War II Seabee learned to build and fight mostly on the South Pacific beachheads and battlegrounds where about 82 percent of them saw action.

Today's Seabee gets his training at highly technical Navy-operated construction and engineering schools. And he does not have to wait until he is under fire to learn to fight. He receives instruction in all phases of training, ranging from atomic-bacteriological-chemical warfare to guerrilla and jungle tactics.

The Seabees have come a long way

since they were hurriedly organized to replace thousands of construction workers who were building advance bases in such places as Midway Island, Guam, and the Philippines at the outbreak of World War II.

Their "can do" spirit continues to be the morale and backbone of their talented organization.

At the same time, the Naval Facilities Engineering Command and the Civil Engineer Corps continue to make significant contributions toward the construction and maintenance of our vast Naval Establishment.

Every year, these two organizations, through improved management programs for public works, have made important gains and significant changes effecting more efficient and more economical shore establishment management.

That these commands always meet the demands placed on them is shown each year by the commendation they receive from the chief of naval operations on their outstanding accomplishments.

Such achievements would not have been possible without the full and devoted service of all hands alert to their responsibilities in our complex world. The engineering facilities of the Navy today are faced with tremendous challenges. The aims and purposes of the Navy's engineers have expanded greatly. Their insight, talent and imagination will be constantly put to use in the years ahead. If the men and officers of these commands respond as they have in the past, there is no doubt in my mind that they will be worthy of the great trust and confidence placed in them by the Navy.

On their anniversaries, I extend my warmest personal congratulations to the Naval Facilities Engineering Command, the Civil Engineer Corps, and the Seabees. They have done, and continue to do, a magnificent job.

THE LATE JOHN F. ENGLISH, SECRETARY-TREASURER OF INTERNATIONAL BROTHERHOOD OF TEAMSTERS UNION

(Mr. McCORMACK (at the request of Mr. Boggs) was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCORMACK. Mr. Speaker, one of the outstanding leaders in the ranks of labor, John F. English, died on February 4, 1969. Mr. English was secretary-treasurer of the International Brotherhood of Teamsters Union for 23 years prior to his death. He was recognized as one of the most constructive leaders in the ranks of labor, and highly regarded by his associates and members nationally of the International Brotherhood of Teamsters Union.

He first joined a union at the early age of 15 years when he was driving a horse-drawn coal wagon in the city of Boston, the place of his birth.

John English made rapid progress, 6 years later being elected as business agent of his local union in Boston.

With exception of his service in World War I, John English held positions of re-

sponsibility in the Teamsters Union until the time of his death.

He held various offices in the Boston Teamsters Joint Council: in 1927 was elected fifth vice president of the international union, and 9 years later became the union's auditor.

In 1946 John English was appointed to the unexpired term as general secretary-treasurer; elected the following year to a full term, and reelected ever since. His last election in 1966 was by acclamation, showing the confidence in his qualities of leadership, and the dedicated manner in which he performed the duties of his office.

John English was widely respected in and out of the ranks of labor. He possessed all of the rich qualities of character that made him not only a great man, but a good man. His intense love of our country was evidenced on many occasions. He was a great American.

When many voices were silent, he openly opposed communism, and spoke out vigorously in the 1930's against Hitler and Nazism. Years ago he saw the future danger of international communism and of arrogant aggression under Hitler.

He openly and vigorously opposed bigotry and hatred in any form, whether on the domestic or the world level.

Some years ago, a person commented, "the decent and honorable life John English lives is an inspiration for all others to follow."

For years I enjoyed the friendship of John English, which I shall always treasure.

I extend to his wife and daughter my deep sympathy in their great loss and sorrow.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATSUNAGA (at the request of Mr. ALBERT), for today and tomorrow, on account of official business.

Mr. ROSENTHAL, for February 17 to 21, 1969, on account of official business.

Mrs. SULLIVAN (at the request of Mr. SYMINGTON), for an indefinite period, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MINSHALL (at the request of Mr. BIESTER), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. FINDLEY, for 30 minutes, today.

Mr. PATMAN (at the request of Mr. CAFFERY), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mrs. MAY (at the request of Mr. BIESTER), for 30 minutes on February 18; and to revise and extend her remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. OLSEN in two instances.

Mr. MILLER of California in five instances and to include extraneous matter.

Mr. MADDEN and to include extraneous material.

Mr. JOELSON.

Mr. KLUCZYNSKI.

Mr. McMILLAN.

Mr. TEAGUE of California (at the request of Mr. HALL) during the consideration of the three veterans' bills passed today.

(The following Members (at the request of Mr. BIESTER) and to include extraneous matter:)

Mr. ESCH.

Mr. FINDLEY in four instances.

Mr. BROYHILL of Virginia.

Mr. BOB WILSON.

Mr. QUILLLEN in four instances.

Mr. WHALEN.

Mr. ASHBROOK in two instances.

Mr. RUMSFELD.

Mr. MIZE.

Mr. CONTE in two instances.

Mr. SANDMAN.

Mr. KUYKENDALL.

Mr. AYRES in two instances.

Mr. FULTON of Pennsylvania in five instances.

Mr. DERWINSKI in two instances.

Mr. MORSE.

Mr. MESKILL.

Mr. ANDREWS of North Dakota.

Mr. WYMAN in two instances.

Mr. EDWARDS of Alabama.

Mr. QUIE.

(The following Members (at the request of Mr. CAFFERY) and to include extraneous matter:)

Mr. FRASER in two instances.

Mr. BOLAND in two instances.

Mr. PATMAN in six instances.

Mr. DINGELL in two instances.

Mr. EVINS of Tennessee.

Mr. VANIK in two instances.

Mr. NATCHER in two instances.

Mr. POBEL in three instances.

Mr. DELANEY.

Mr. HOWARD.

Mr. BIAGGI.

Mr. ROONEY of New York in four instances.

Mr. MURPHY of New York.

Mr. RYAN in three instances.

Mr. KARTH.

Mr. RARICK in four instances.

Mr. ROGERS of Colorado.

Mr. SCHEUER in three instances.

Mr. TIERNAN.

Mr. HEBERT.

Mr. PUCINSKI in five instances.

Mr. OLSEN in two instances.

Mr. ASHLEY in two instances.

Mr. DOWNING in two instances.

Mr. GONZALEZ in three instances.

Mr. WOLFF in two instances.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on February 7, 1969, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 414. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes.

ADJOURNMENT

Mr. CAFFERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock p.m.) the House adjourned until tomorrow, Tuesday, February 18, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

496. A letter from the Deputy Assistant Secretary of Defense (International Security Affairs), transmitting a report on implementation of section 507(b) of the Foreign Assistance Act of 1961, as amended, pursuant to the provisions of that act; to the Committee on Foreign Affairs.

497. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the texts of International Labor Organization Convention No. 123 and recommendation No. 124, concerning the minimum age for admission to employment underground in mines (H. Doc. No. 91-72); to the Committee on Foreign Affairs and ordered to be printed.

498. A letter from the Secretary of Agriculture, transmitting a report on the agricultural conservation program for the fiscal year ending June 30, 1968, pursuant to the provisions of the act of June 28, 1937 (50 Stat. 329); to the Committee on Agriculture.

499. A letter from the Deputy Director, Bureau of the Budget, Executive Office of the President, transmitting a Federal plan for meteorological services and supporting research for fiscal year 1970, pursuant to the provisions of section 304 of Public Law 87-843; to the Committee on Appropriations.

500. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting notification of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Army Reserve, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

501. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting notification of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Naval Reserve, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

502. A letter from the Acting Secretary of the Treasury, transmitting a report on foreign credits by the U.S. Government as of December 31, 1967, pursuant to the provisions of section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

503. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank insurance and guarantees issued in December 1968, in connection with U.S. exports to Yugoslavia, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended, and the applicable Presidential determination thereunder; to the Committee on Foreign Affairs.

504. A letter from the Comptroller General of the United States, transmitting a report on the need for improved accounting for civilian employees' leaves of absence in the military departments, Department of Defense; to the Committee on Government Operations.

505. A letter from the Comptroller General of the United States, transmitting a report on the need for improved guidelines in contracting for research with Government-sponsored nonprofit contractors, Department of Defense, Atomic Energy Commission, and Na-

tional Aeronautics and Space Administration; to the Committee on Government Operations.

506. A letter from the Comptroller General of the United States, transmitting a report on an examination of the financial statements of Federal Prison Industries, Inc., fiscal year 1968, Department of Justice (H. Doc. No. 91-73); to the Committee on Government Operations and ordered to be printed.

507. A letter from the Comptroller General of the United States, transmitting a report on Federal programs for the benefit of disadvantaged preschool children, Los Angeles County, Calif., Office of Economic Opportunity and the Department of Health, Education, and Welfare; to the Committee on Government Operations.

508. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a report of the Administration on the disposal of certain foreign excess property, pursuant to the provisions of 40 U.S.C. 514; to the Committee on Government Operations.

509. A letter from the Under Secretary of the Interior, transmitting a report on activities of the Geological Survey in areas outside the national domain during the period July 1 through December 31, 1968, pursuant to the provisions of 43 U.S.C. 31(c); to the Committee on Interior and Insular Affairs.

510. A letter from the Chairman, Federal Council for Science and Technology, transmitting a progress report on the Federal water resources research program for fiscal year 1969; to the Committee on Interior and Insular Affairs.

511. A letter from the Chairman, Federal Power Commission, transmitting a report on steam-electric plant construction and annual production expenses, 1967; to the Committee on Interstate and Foreign Commerce.

512. A letter from the Assistant Attorney General for Administration, transmitting a report on claims paid by the Department of Justice during fiscal years 1967 and 1968, pursuant to the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended; to the Committee on the Judiciary.

513. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report on the operation of section 201(g) of the Revenue and Expenditure Control Act of 1968 on the number of civilian officers and employees in the executive branch for the quarter ending December 31, 1968, pursuant to the provisions of that section; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT (for himself and Mr. BUCHANAN):

H.R. 6714. A bill to amend title 10, United States Code to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. ASPINALL (for himself, Mr. ROGERS of Colorado, and Mr. EVANS of Colorado):

H.R. 6715. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ASPINALL (by request):

H.R. 6716. A bill to authorize appropriations for the saline water conversion program for fiscal year 1970; to the Committee on Interior and Insular Affairs.

By Mr. ASPINALL (for himself and Mr. HALEY (by request):

H.R. 6717. A bill to permit Indian tribes to have greater management over their property, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6718. A bill to provide for the economic development of Indians, Indian tribes, and other Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6719. A bill to provide for the resolution of the Indian fractionated ownership problems, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6720. A bill to provide for the establishment of Indian corporate entities for the economic development of Indian tribes and other organizations of Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BARRETT:

H.R. 6721. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

H.R. 6722. A bill to make further supplemental appropriations for the fiscal year ending June 30, 1969, to carry out laws relating to housing and areawide development; to the Committee on Appropriations.

By Mr. BIAGGI:

H.R. 6723. A bill to provide for the issuance of a commemorative postage stamp in honor of Gen. Douglas MacArthur; to the Committee on Post Office and Civil Service.

By Mr. BRAY:

H.R. 6724. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; to the Committee on Armed Services.

H.R. 6725. A bill to provide authority for the payment of proficiency pay to enlisted members of the Reserve components of the Armed Forces; to the Committee on Armed Services.

H.R. 6726. A bill to amend title 32, United States Code, with respect to the system of courts-martial for the National Guard not in Federal service; to the Committee on Armed Services.

H.R. 6727. A bill to amend titles 10 and 32, United States Code, to provide Federal support for defense forces established under section 109(c) of title 32; to the Committee on Armed Services.

H.R. 6728. A bill to amend titles 10, 14, and 32, United States Code, with respect to the remission or cancellation of indebtedness of members or former members of the Armed Forces and the National Guard; to the Committee on Armed Services.

H.R. 6729. A bill to amend title 10, United States Code, to provide for the investigation by a military department of certain aircraft accidents and for the use of reports resulting from those investigations in actions for damages; to the Committee on Armed Services.

H.R. 6730. A bill to provide pecuniary liability by the States or members of the National Guard if loss or damage to Federal property resulted from gross negligence or willful misconduct; to the Committee on Armed Services.

H.R. 6731. A bill to permit National Guard officers to act as inspecting officers under section 710(f) of title 32, United States Code; to the Committee on Armed Services.

H.R. 6732. A bill to amend the Dependents Assistance Act of 1950 in order to make members of the Reserve and National Guard ordered to active duty for training for periods of 30 days or more eligible for quarters allowances and to make allotments; to the Committee on Armed Services.

H.R. 6733. A bill to amend section 1333(3) of title 10, United States Code, to provide retirement credit for attendance at each prescribed training assembly or period of equivalent instruction; to the Committee on Armed Services.

H.R. 6734. A bill to provide for the furnishing of a uniform and the presentation of a flag of the United States for deceased members of the National Guard and Ready Reserve; to the Committee on Armed Services.

H.R. 6735. A bill to amend section 8901(8) of title 5, United States Code, with respect to persons employed under Public Law 90-486; to the Committee on Post Office and Civil Service.

H.R. 6736. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 in order to clarify the provisions of that act with respect to certain persons in the Reserve and National Guard ordered to active duty for training for a period of more than 30 days; to the Committee on Veterans' Affairs.

H.R. 6737. A bill to extend servicemen's group life insurance to Reserves of the Armed Forces and members of the National Guard when engaged in federally prescribed full-time training or duty; to the Committee on Veterans' Affairs.

By Mr. BROCK:

H.R. 6738. A bill to establish a community self-determination program to aid the people of urban and rural communities in securing gainful employment, achieving the ownership and control of the resources of their community, expanding opportunity, stability, and self-determination, and making their maximum contribution to the strength and well-being of the Nation; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 6739. A bill to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease, to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs, and for other purposes; to the Committee on Ways and Means.

H.R. 6740. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia (by request):

H.R. 6741. A bill to relieve citizens of the United States of liability to repay to the United States amounts of money advanced to them to enable them to evacuate foreign zones of war or civil disturbance, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BUSH (for himself and Mr. BURKE of Massachusetts):

H.R. 6742. A bill to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 6743. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the income tax for any amounts received under a State or local retirement system; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 6744. A bill to amend chapter 207 of title 18 of the United States Code to authorize conditional pretrial release or pretrial detention of certain persons who have been charged with noncapital offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 6745. A bill to amend the Internal Revenue Code of 1954 to increase from \$600 to \$1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. DENT:

H.R. 6746. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain employees of establishments engaged in the selling of boats or motorcycles from the overtime compensation requirements of that act; to the Committee on Education and Labor.

By Mr. DIGGS:

H.R. 6747. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

H.R. 6748. A bill to enable citizens of the United States who change their residence to vote in presidential elections, and for other purposes; to the Committee on House Administration.

H.R. 6749. A bill to establish a Commission to make a comprehensive study and evaluation of the methods of selecting candidates for the offices of President and Vice President of the United States; to the Committee on House Administration.

By Mr. DINGELL:

H.R. 6750. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 6751. A bill to amend the Federal Water Pollution Control Act to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. ERLÉNBERG:

H.R. 6752. A bill to amend title XIX of the Social Security Act to provide that a State, in determining a blind or disabled individual's eligibility for medical assistance (and the extent of such assistance), shall not take into account anyone else's financial responsibility for such individual (unless he is the other person's spouse or minor child); to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 6753. A bill to restrict the mailing of unsolicited credit cards; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.R. 6754. A bill to amend the Internal Revenue Code of 1954 to provide that Federal tax returns shall be open to inspection by, and copies of such returns shall be furnished to, State and local officers only under court order; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 6755. A bill to prohibit the dissemination through interstate commerce or the mails of material harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 6756. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 6757. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 6758. A bill for the elimination of health dangers to coal miners resulting from the inhalation of coal dust; to the Committee on Education and Labor.

H.R. 6759. A bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which

is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

By Mr. GILBERT:

H.R. 6760. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 6761. A bill to amend title 28 of the United States Code so as to provide for the appointment of two additional district judges for the western district of Texas; to the Committee on the Judiciary.

By Mr. GROSS:

H.R. 6762. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUDE:

H.R. 6763. A bill to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89-774 (80 Stat. 1324); to the Committee on the District of Columbia.

By Mr. HATHAWAY:

H.R. 6764. A bill to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain uses of gasoline and lubricating oil; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 6765. A bill to amend section 341 of the Immigration and Nationality Act to require the Attorney General to furnish a certificate of citizenship to a person holding certification of birth issued by the Secretary of State; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 6766. A bill to provide for the construction of a certain memorial along the route of the Lewis and Clark Expedition in North Dakota, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KUYKENDALL:

H.R. 6767. A bill to provide for the appointment of an additional district judge for the western district of Tennessee; to the Committee on the Judiciary.

H.R. 6768. A bill to amend section 5004 of title 38 of the United States Code to permit employees of a Veterans' Administration hospital or domiciliary to use without charge parking facilities constructed by the Veterans' Administration at such hospital or domiciliary; to the Committee on Veterans' Affairs.

By Mr. MCCARTHY:

H.R. 6769. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. MACDONALD of Massachusetts:

H.R. 6770. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. MARTIN:

H.R. 6771. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. MORTON:

H.R. 6772. A bill to amend the Federal Water Pollution Control Act to prevent pollution of water by oil, and to establish a revolving fund for the removal of oil discharged into or upon the navigable waters of the United States or adjoining shorelines; to the Committee on Public Works.

By Mr. NATCHER:

H.R. 6773. A bill to extend certain benefits to persons who served in the Armed Forces of the United States in Mexico or on its borders during the period beginning May 9, 1916,

and ending April 6, 1917, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OLSEN:

H.R. 6774. A bill to provide for orderly marketing of agricultural commodities by the producers thereof, and for other purposes; to the Committee on Agriculture.

H.R. 6775. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

H.R. 6776. A bill to amend the Social Security Act to extend to Indians of all tribes, under all of the existing public assistance programs, the special additional Federal matching payments presently provided only for certain specified tribes under certain specified programs; to the Committee on Ways and Means.

H.R. 6777. A bill to amend title IV of the Social Security Act to repeal the limitation upon the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 6778. A bill to amend the Bank Holding Company Act of 1956, and for other purposes; to the Committee on Banking and Currency.

By Mr. PELL:

H.R. 6779. A bill to provide for improved employee-management relations in the postal services, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PERKINS for himself, Mr. THOMPSON of New Jersey, Mr. O'HARA, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, and Mr. BURTON of California):

H.R. 6780. A bill to encourage the States to improve their workmen's compensation laws to assure adequate coverage and benefits to employees injured in employment, and for other purposes; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 6781. A bill to provide for cost-of-living adjustments in the value of U.S. saving bonds, series E, when held to maturity; to the Committee on Ways and Means.

By Mr. POLLOCK:

H.R. 6782. A bill to amend the law with respect to criminal jurisdiction on the Annette Islands Indian Reservation; to the Committee on the Judiciary.

By Mr. PRICE of Illinois:

H.R. 6783. A bill to extend the life of the Lewis and Clark Trail Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6784. A bill to provide educational assistance to children of civilian employees of the United States killed abroad as a result of war, insurgency, mob violence, or similar hostile action; to the Committee on Post Office and Civil Service.

H.R. 6785. A bill to expedite the interstate planning and coordination of a continuous Lewis and Clark Trail Highway; to the Committee on Public Works.

By Mr. RABICK:

H.R. 6786. A bill to retrocede a portion of the District of Columbia to the State of Maryland; to the Committee on the District of Columbia.

H.R. 6787. A bill to amend sections 1505 and 3486 of title 18 of the United States Code relating to congressional investigations; to the Committee on the Judiciary.

H.R. 6788. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 6789. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if pre-

deceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

By Mr. RIVERS:

H.R. 6790. A bill to authorize an increase in the number of Marine Corps Reserve officers who may serve in an active status in the combined grades of brigadier and major general; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 6791. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform, and to increase from \$600 to \$1,200 the amount of the personal income tax exemptions allowed a taxpayer; to the Committee on Ways and Means.

By Mr. ROGERS of Colorado (by request):

H.R. 6792. A bill to amend the Bankruptcy Act, sections 14, 606, 614, 623, 624, 626, 632, 633, 642, 644, 646, 647, 652, 656, 657, 659, 660, 661, and 666 revising the provisions dealing with wage earner plans under chapter XIII thereof; to the Committee on the Judiciary.

By Mr. ROGERS of Florida (by request):

H.R. 6793. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. SANDMAN:

H.R. 6794. A bill to amend the Oil Pollution Act, 1924, for the purpose of controlling oil pollution from vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 6795. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. SCHADEBERG:

H.R. 6796. A bill to amend the Internal Revenue Code of 1954 to increase from \$600 to \$1,000 for 1969, 1970, and 1971, and to \$1,200 thereafter, the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 6797. A bill to amend the Public Health Service Act to extend the program of grants for construction and modernization of hospitals and other medical facilities, to provide loans and loan guarantees for construction and modernization of such facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H.R. 6798. A bill to amend title 38, United States Code, in order to improve the education and training programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6799. A bill to amend title 38 of the United States Code to provide increases in the rates of disability compensation, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6800. A bill to amend title 38 of the United States Code to provide a uniform refund policy for pursuit of courses not leading to a standard college degree; to the Committee on Veterans' Affairs.

H.R. 6801. A bill to amend title 38, United States Code, to provide a statutory award payable for arrested tuberculosis and to increase the statutory rates for anatomical loss or loss of use and for arrested tuberculosis; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 6802. A bill to amend title 38 of the United States Code to increase the pension rates payable to certain seriously disabled veterans and widows; to the Committee on Veterans' Affairs.

H.R. 6803. A bill to revise eligibility requirements for burial in national cemeteries; to the Committee on Veterans' Affairs.

H.R. 6804. A bill to enlarge the classes of persons eligible for servicemen's group life insurance, and to improve the administration of the program; to the Committee on Veterans' Affairs.

H.R. 6805. A bill to amend title 38 of the United States Code so as to provide for increases in maximum coverage under, and otherwise liberalize the provisions of, the servicemen's group life insurance program; to the Committee on Veterans' Affairs.

H.R. 6806. A bill to modify eligibility requirements governing the grant of assistance in acquiring specially adapted housing to include loss or loss of use of a lower extremity and other service-connected neurological or orthopedic disability which impairs locomotion to the extent that a wheelchair is regularly required; to the Committee on Veterans' Affairs.

H.R. 6807. A bill to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (for himself and Mr. Brown of California):

H.R. 6808. A bill to amend section 1781 of title 38, United States Code, to eliminate the prohibition against receipt of certain Federal educational assistance benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VIGORITO:

H.R. 6809. A bill to amend the Internal Revenue Code of 1954 to increase from \$600 to \$1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 6810. A bill to amend the act of October 19, 1949, entitled "An act to assist States in collecting sales and use taxes on cigarettes," so as to control all types of illegal transportation of cigarettes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 6811. A bill to amend the Internal Revenue Code of 1954 to extend the head-of-household benefits to all unmarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 1 year or more; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 6812. A bill to expedite the interstate planning and coordination of a continuous Lewis and Clark Trail Highway; to the Committee on Public Works.

By Mr. YATRON:

H.R. 6813. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in the monthly benefits payable thereunder; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 6814. A bill to direct the Interstate Commerce Commission to make regulations that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night; to the Committee on Interstate and Foreign Commerce.

H.R. 6815. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 6816. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 6817. A bill to amend the Internal Revenue Code of 1954 to allow teachers to

deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 6818. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer supporting a dependent who is mentally retarded or has a neuromuscular disease or disorder; to the Committee on Ways and Means.

H.R. 6819. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. DEL CLAWSON:

H.J. Res. 439. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. COLLIER:

H.J. Res. 440. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. DIGGS:

H.J. Res. 441. Joint resolution proposing an amendment to the Constitution of the United States relating to the right of citizens of the United States 18 years of age or older to vote; to the Committee on the Judiciary.

By Mr. FASCELL:

H.J. Res. 442. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. FISHER:

H.J. Res. 443. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. GILBERT:

H.J. Res. 444. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.J. Res. 445. Joint resolution authorizing the President to proclaim January 15 of each year as "Martin Luther King Day"; to the Committee on the Judiciary.

By Mr. SIKES:

H.J. Res. 446. Joint resolution to provide for the resumption of trade with Rhodesia; to the Committee on Foreign Affairs.

By Mr. THOMPSON of Georgia:

H.J. Res. 447. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.J. Res. 448. Joint resolution authorizing and requesting the President to extend indefinitely a period to "See the United States," and for other purposes; to the Committee on the Judiciary.

By Mr. WYLIE:

H.J. Res. 449. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. MARTIN:

H. Con. Res. 137. Concurrent resolution to express the sense of Congress with respect to an investigation and study to determine the potential of railroad passenger and mail transportation in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MIZE:

H. Con. Res. 138. Concurrent resolution expressing the profound concern of the Congress to the proposed consumption taxes of

the European Economic Community on oil-seed products; to the Committee on Ways and Means.

By Mr. BROWN of California:

H. Res. 244. Resolution, Rhodesian sanctions; to the Committee on Foreign Affairs.

By Mr. CONTE:

H. Res. 245. Resolution condemning recent actions by the Government of Iraq and further expressing the sense of Congress that the President instruct the permanent representative to the United Nations to ask for a meeting of the Security Council in an effort to stop such actions on the part of the Government of Iraq; to the Committee on Foreign Affairs.

By Mr. GILBERT:

H. Res. 246. Resolution expressing the sense of the House of Representatives with respect to the restoration of human rights in Iraq; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H. Res. 247. Resolution, U.S. aid for Iraqi Jews; to the Committee on Foreign Affairs.

By Mr. SANDMAN:

H. Res. 248. Resolution to direct the Committee on Interstate and Foreign Commerce to conduct an investigation and study of Federal regulation of community antenna television systems; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

11. By Mr. HATHAWAY: Memorial of the 104th Legislature of the State of Maine memorializing the Secretaries of Commerce, Treasury, Army, and Interior to act on the Maine Port Authority's application to establish general and special purpose foreign trade zone at Portland and Machiasport, and to revise present oil import quota allocations; to the Committee on Ways and Means.

12. By the SPEAKER: Memorial of the Legislature of the State of Maine, relative to their resolution memorializing the Secretaries of Commerce, Treasury, Army, and Interior to act on the Maine Port Authority's application to establish general and special purpose foreign trade zones at Portland and Machiasport, and to revise present oil import quotas allocations; to the Committee on Ways and Means.

13. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the serious situation in the Middle East and the recent hanging of nine Jews; to the Committee on Foreign Affairs.

14. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the crisis in the Middle East and the recent public hanging of nine Jews; to the Committee on Foreign Affairs.

15. Also, memorial of the Legislature of the State of Montana, relative to the Congress enacting legislation that would establish a multistate vocational education center at the Glasgow Air Force Base; to the Committee on Education and Labor.

16. Also, memorial of the Legislature of the State of South Carolina, relative to the Congress taking necessary action to prevent the Federal Communications Commission or other administrative agencies from banning advertisement of tobacco products on television and radio; to the Committee on Interstate and Foreign Commerce.

17. Also, memorial of the Legislature of the Virgin Islands, relative to changes in the Territorial Submerged Lands Act; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 6820. A bill for the relief of Damaso

Cabebe; to the Committee on the Judiciary.

H.R. 6821. A bill for the relief of Salvatore

Carollo; to the Committee on the Judiciary.

H.R. 6822. A bill for the relief of Blegio

Caruso; to the Committee on the Judiciary.

H.R. 6823. A bill for the relief of Francesco

Como; to the Committee on the Judiciary.

H.R. 6824. A bill for the relief of Giuseppe

Costanza; to the Committee on the Judiciary.

H.R. 6825. A bill for the relief of Leonardo

DiGiovanna; to the Committee on the Judiciary.

H.R. 6826. A bill for the relief of Osvaldo

Falanga; to the Committee on the Judiciary.

H.R. 6827. A bill for the relief of Francesco

and Elisa Fidilio and minor children Salvatore,

Sebastiano, and Giuseppe Fidilio; to the

Committee on the Judiciary.

H.R. 6828. A bill for the relief of Gioacchino

Firriolo; to the Committee on the Judiciary.

H.R. 6829. A bill for the relief of Tse Chi

Fong, also known as Chez Chu Fong; to the

Committee on the Judiciary.

H.R. 6830. A bill for the relief of Terik M.

Gokcebay; to the Committee on the Judiciary.

H.R. 6831. A bill for the relief of Salvatore

LoVerde; to the Committee on the Judiciary.

H.R. 6832. A bill for the relief of Guiseppe

Manciaracina; to the Committee on the

Judiciary.

H.R. 6833. A bill for the relief of Francesco

Mercogliano; to the Committee on the

Judiciary.

H.R. 6834. A bill for the relief of Donato

Minerva; to the Committee on the Judiciary.

H.R. 6835. A bill for the relief of Pasquale

Morsello; to the Committee on the Judiciary.

H.R. 6836. A bill for the relief of Alberto

Tortoroli; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 6837. A bill for the relief of Miss Elisa-

betta Baglione; to the Committee on the

Judiciary.

H.R. 6838. A bill for the relief of Norman

Edward Smith; to the Committee on the

Judiciary.

By Mr. BARRETT:

H.R. 6839. A bill for the relief of Domenico

DiChieffalo; to the Committee on the

Judiciary.

H.R. 6840. A bill for the relief of Chu Yu

Ming; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 6841. A bill for the relief of Stefano

and Elvira Guercio; to the Committee on the

Judiciary.

H.R. 6842. A bill for the relief of Maxine

Hebbon; to the Committee on the Judiciary.

H.R. 6843. A bill for the relief of Pasquale

Lo Duca; to the Committee on the Judiciary.

H.R. 6844. A bill for the relief of Maria

Rovira; to the Committee on the Judiciary.

H.R. 6845. A bill for the relief of Dr. Salil

Roy; to the Committee on the Judiciary.

By Mr. BROCK:

H.R. 6846. A bill for the relief of Dr. Rod-

rigo Victor de Valle; to the Committee on the

Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 6847. A bill for the relief of Laura

Pinna; to the Committee on the Judiciary.

H.R. 6848. A bill for the relief of Joao Hen-

rique Pereira Sena; to the Committee on the

Judiciary.

H.R. 6849. A bill for the relief of Giuseppe

Svizzero and Maria Svizzero; to the Commit-

tee on the Judiciary.

By Mr. BUSH:

H.R. 6850. A bill for the relief of Maj. Clyde

Nichols (ret.); to the Committee on the

Judiciary.

By Mrs. CHISHOLM:

H.R. 6851. A bill for the relief of Andre C.

Rugeri; to the Committee on the Judiciary.

H.R. 6852. A bill for the relief of Giovanni

Rugeri; to the Committee on the Judiciary.

By Mr. COLMER:

H.R. 6853. A bill for the relief of Elena

Saenz; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 6854. A bill to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass.; to the Committee on Ways and Means.

By Mr. DADDARIO:

H.R. 6855. A bill for the relief of Nicola Esposito; to the Committee on the Judiciary.

H.R. 6856. A bill for the relief of Mrs. Rosa Romy Gruber; to the Committee on the Judiciary.

H.R. 6857. A bill for the relief of Miss Hae Sook Lee; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 6858. A bill for the relief of Elvira Maria Bruno; to the Committee on the Judiciary.

H.R. 6859. A bill for the relief of Rosario Furnari; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 6860. A bill for the relief of Dady Balansay; to the Committee on the Judiciary.

H.R. 6861. A bill for the relief of Rosario Angelita Batas; to the Committee on the Judiciary.

H.R. 6862. A bill for the relief of Giuseppe Modica; to the Committee on the Judiciary.

H.R. 6863. A bill for the relief of Won Kil Shon; to the Committee on the Judiciary.

H.R. 6864. A bill for the relief of Guadalupe Lily Tai; to the Committee on the Judiciary.

H.R. 6865. A bill for the relief of Pedro Lu Wong and Jovita Wong; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 6866. A bill for the relief of Teofilo M. Afonso; to the Committee on the Judiciary.

By Mr. EDWARDS of Louisiana:

H.R. 6867. A bill for the relief of Pero Ciblic; to the Committee on the Judiciary.

H.R. 6868. A bill for the relief of Ante Lepetic; to the Committee on the Judiciary.

H.R. 6869. A bill for the relief of James A. Locke, Jr.; to the Committee on the Judiciary.

H.R. 6870. A bill for the relief of Aravamudan and Edelgard Raman; to the Committee on the Judiciary.

H.R. 6871. A bill for the relief of Nedjelko Tesvic; to the Committee on the Judiciary.

H.R. 6872. A bill for the relief of Ivo Ante Tomasovic; to the Committee on the Judiciary.

By Mr. FARBSTAIN:

H.R. 6873. A bill for the relief of Modesta Alenta; to the Committee on the Judiciary.

H.R. 6874. A bill for the relief of Pauline H. Belmonte; to the Committee on the Judiciary.

H.R. 6875. A bill for the relief of Ofelia M. Boado; to the Committee on the Judiciary.

H.R. 6876. A bill for the relief of Eva C. Castro; to the Committee on the Judiciary.

H.R. 6877. A bill for the relief of Raffaele Frattino; to the Committee on the Judiciary.

H.R. 6878. A bill for the relief of Eufrosina Garrido; to the Committee on the Judiciary.

H.R. 6879. A bill for the relief of Mencion P. Manaloto; to the Committee on the Judiciary.

H.R. 6880. A bill for the relief of Conchita Tan Orgiles; to the Committee on the Judiciary.

H.R. 6881. A bill for the relief of Salvatore Sasso; to the Committee on the Judiciary.

H.R. 6882. A bill for the relief of Maria Soto; to the Committee on the Judiciary.

H.R. 6883. A bill for the relief of Wong Sou Wai; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 6884. A bill for the relief of Angiolina La Magra; to the Committee on the Judiciary.

H.R. 6885. A bill for the relief of Joseph Perrone; to the Committee on the Judiciary.

H.R. 6886. A bill for the relief of Caterina Elisabetta Polera; to the Committee on the Judiciary.

By Mr. GLAIMO:

H.R. 6887. A bill for the relief of Mario D'Antona; to the Committee on the Judiciary.

H.R. 6888. A bill for the relief of Joaquim Guedes; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.R. 6889. A bill for the relief of Mrs. Soon Wol Yang (also known as Mary Yang); to the Committee on the Judiciary.

By Mr. HALL:

H.R. 6890. A bill for the relief of Dr. Chung Ki Kim; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 6891. A bill to confer jurisdiction on the U.S. Court of Claims, to hear, determine, and render judgment on certain claims of Mrs. Hazel M. LaFrance against the United States; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 6892. A bill for the relief of Natividad G. Dumaul; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 6893. A bill for the relief of Benedetto Trifiro; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 6894. A bill for the relief of Stylianos Chatzimichalakis; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 6895. A bill for the relief of Rosa Barbero; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 6896. A bill for the relief of Dr. Olga Concepcion Perez de Lanio; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 6897. A bill for the relief of Manuel Correia de Melo; to the Committee on the Judiciary.

H.R. 6898. A bill for the relief of Maria Di Mascio Cantacesso; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 6899. A bill for the relief of Paolino Barone; to the Committee on the Judiciary.

H.R. 6900. A bill for the relief of Stavros Bounas; to the Committee on the Judiciary.

H.R. 6901. A bill for the relief of Vincenzo Randazzo; to the Committee on the Judiciary.

H.R. 6902. A bill for the relief of Hector and Iolanda Scafati; to the Committee on the Judiciary.

H.R. 6903. A bill for the relief of Theresa Somma; to the Committee on the Judiciary.

H.R. 6904. A bill for the relief of Ursula Wallwitz; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 6905. A bill for the relief of Dr. Orn Arnar; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 6906. A bill for the relief of Giuseppe Cascone and his wife, Giovanna Cascone; to the Committee on the Judiciary.

H.R. 6907. A bill for the relief of Florence Amanda Green; to the Committee on the Judiciary.

H.R. 6908. A bill for the relief of Maria Patane; to the Committee on the Judiciary.

H.R. 6909. A bill for the relief of Giuseppe Speranza; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 6910. A bill for the relief of Gaudiosa T. Alinas; to the Committee on the Judiciary.

H.R. 6911. A bill for the relief of Wilma V. Bartolo; to the Committee on the Judiciary.

H.R. 6912. A bill for the relief of May R. Cuchapin; to the Committee on the Judiciary.

H.R. 6913. A bill for the relief of Ernesto A. de Leon; to the Committee on the Judiciary.

H.R. 6914. A bill for the relief of Merly Florendo; to the Committee on the Judiciary.

H.R. 6915. A bill for the relief of Ligaya L. Pangco; to the Committee on the Judiciary.

H.R. 6916. A bill for the relief of Margret D. Perno; to the Committee on the Judiciary.

H.R. 6917. A bill for the relief of Zosima P. Ramirez; to the Committee on the Judiciary.

H.R. 6918. A bill for the relief of Julieta J. Urbano; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 6919. A bill for the relief of Rocco Palazzolo; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 6920. A bill for the relief of Cirino Bruno, Maria Dol Bon Bruno and son, Antonio Bruno; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 6921. A bill for the relief of Mrs. Caterina Berlen DeSilvio; to the Committee on the Judiciary.

H.R. 6922. A bill for the relief of Antonio Gregorio; to the Committee on the Judiciary.

H.R. 6923. A bill for the relief of Mrs. Theresa Aldyth McCollin; to the Committee on the Judiciary.

H.R. 6924. A bill for the relief of Antonio Minardi; to the Committee on the Judiciary.

H.R. 6925. A bill for the relief of Mr. and Mrs. Paola Pesce; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 6926. A bill for the relief of Ioannis Donstantinos Papanastasiou; to the Committee on the Judiciary.

H.R. 6927. A bill for the relief of Irene Jaruga; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 6928. A bill for the relief of Gregorio F. and Lydia Guzman Alonzo; to the Committee on the Judiciary.

H.R. 6929. A bill for the relief of Flora Hel-Yin Lau; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 6930. A bill for the relief of Arlene W. Chang; to the Committee on the Judiciary.

H.R. 6931. A bill for the relief of Giuseppe De Stefano; to the Committee on the Judiciary.

H.R. 6932. A bill for the relief of Joao Pereira; to the Committee on the Judiciary.

H.R. 6933. A bill for the relief of Sofia and Cesaria Salemi; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 6934. A bill for the relief of Pasquale D'Agostino; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 6935. A bill for the relief of Michelina Manfredonia; to the Committee on the Judiciary.

H.R. 6936. A bill for the relief of Bernardita D. Sulit; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 6937. A bill for the relief of Sandra Lee Sken; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H.R. 6938. A bill for the relief of Dr. Bhupendrakumar Manibhai Patel, M.B., B.S.; to the Committee on the Judiciary.

H.R. 6939. A bill for the relief of George M. Skardasis, M.D.; to the Committee on the Judiciary.

H.R. 6940. A bill for the relief of Martina B. Tan, M.D.; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 6941. A bill for the relief of Pasquale Minichillo; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 6942. A bill for the relief of John L. Wolfe; to the Committee on Merchant Marine and Fisheries.

By Mr. SANDMAN:

H. Res. 249. Resolution for the relief of Charles J. Culligan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

53. By the SPEAKER: Petition of Herbert E. Joelich, Leavenworth, Kans., relative to

enactment of certain legislation; to the Committee on the Judiciary.

54. Also, petition of Robert B. Murphy, Leavenworth, Kans., relative to enacting certain private legislation; to the Committee on the Judiciary.

55. Also, petition of Henry Stoner, Port-

land, Oreg., relative to war on crime; to the Committee on the Judiciary.

56. Also, petition of Syndicate of Puerto Rican's Labor Leaders, San Juan, P.R., relative to the Honorable Richard M. Nixon, President of the United States, giving pardon to certain individuals; to the Committee on the Judiciary.

57. Also, petition of the City Council, Erie, Pa., relative to raising the level of the income tax exemption; to the Committee on Ways and Means.

58. Also, petition of the chairman of the Naha City Assembly, Naha, Okinawa, relative to applying local laws regarding labor rights; to the Committee on Armed Services.

SENATE—Monday, February 17, 1969

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who has made and preserved us a nation, deepen the roots of this land in everlasting righteousness that the glory of our fathers fade not away. May Thy higher wisdom and infinite grace be the stability of our times. Make us equal to our high trust, reverent in the use of freedom, just in the exercise of power, generous in the protection of the weak.

Consecrate all who labor in this place to the service of this Nation, that by serving this land we may serve all mankind.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, February 7, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of U. Alexis Johnson, of California, to be U.S. Alternate Governor of the International Monetary Fund and U.S. Alternate Governor of the International Bank for Reconstruction and Development, which nomination messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 7, 1969, Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported favorably, without amendment, on February 7, 1969, the following resolutions:

S. Res. 22. Resolution authorizing the Committee on Banking and Currency to examine, investigate, and study certain matters (Rept. No. 91-45);

S. Res. 23. Resolution authorizing the Committee on Banking and Currency to investigate matters pertaining to public and private housing and urban affairs (Rept. No. 91-46);

S. Res. 24. Resolution to study certain aspects of national security and international operations (Rept. No. 91-55);

S. Res. 26. Resolution authorizing the Committee on Government Operations to make investigations into the efficiency and economy of operations of all branches of Government (Rept. No. 91-51);

S. Res. 31. Resolution authorizing a study of Federal election laws and related matters (Rept. No. 91-76);

S. Res. 34. Resolution to provide funds for the Committee on Public Works (Rept. No. 91-75);

S. Res. 41. Resolution to consider matters pertaining to Federal charters, holidays, and celebrations (Rept. No. 91-63);

S. Res. 45. Resolution to study matters pertaining to immigration and naturalization (Rept. No. 91-65);

S. Res. 54. Resolution to investigate national penitentiaries (Rept. No. 91-68);

S. Res. 56. Resolution to make a study of all matters within the jurisdiction of the Committee on Armed Services (Rept. No. 91-44);

S. Res. 57. Resolution authorizing the Select Committee on Small Business to make a complete study of the problems of small and independent businesses (Rept. No. 91-77);

S. Res. 59. Resolution to provide additional funds for the Committee on Aeronautical and Space Sciences (Rept. No. 91-43);

S. Res. 60. Resolution authorizing the Committee on Interior and Insular Affairs to investigate certain matters within its jurisdiction (Rept. No. 91-56);

S. Res. 65. Resolution to authorize the Senate to respond to official invitations received from foreign governments or parliamentary bodies and associations (Rept. No. 91-80); and

S. Res. 79. Resolution to authorize the Committee on Commerce to make certain studies (Rept. No. 91-47).

Under authority of the order of the Senate of February 7, 1969, Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported favorably, with an amendment, on February 7, 1969, the following resolutions:

S. Res. 25. Resolution to provide funds to study and evaluate the effects of laws pertaining to proposed reorganizations in the executive branch of the Government (Rept. No. 91-52);

S. Res. 27. Resolution authorizing a study of intergovernmental relationships between the United States and the States and municipalities (Rept. No. 91-54);

S. Res. 38. Resolution authorizing the Committee on Government Operations to study the origin of research and development programs financed by the departments and agencies of the Federal Government (Rept. No. 91-53);

S. Res. 39. Resolution to study administrative practice and procedure, and for other purposes (Rept. No. 91-57);

S. Res. 40. Resolution to investigate anti-trust and monopoly laws of the United States (Rept. No. 91-58);

S. Res. 42. Resolution authorizing a study of matters pertaining to constitutional amendments (Rept. No. 91-59);

S. Res. 43. Resolution to investigate matters pertaining to constitutional rights (Rept. No. 91-60);

S. Res. 46. Resolution to investigate the administration, operation, and enforcement of the Internal Security Act (Rept. No. 91-66);

S. Res. 47. Resolution to study and examine the Federal judicial system (Rept. No. 91-64);

S. Res. 48. Resolution to investigate juvenile delinquency (Rept. No. 91-67);

S. Res. 49. Resolution to examine and review the statutes relating to patents, trademarks, and copyrights (Rept. No. 91-69);

S. Res. 50. Resolution to investigate problems created by the flow of refugees and escapees from communistic tyranny (Rept. No. 91-70);

S. Res. 51. Resolution to study revision and codification of the statutes of the United States (Rept. No. 91-71);

S. Res. 52. Resolution to make a full and complete study of the separation of powers under the Constitution (Rept. No. 91-61);

S. Res. 63. Resolution authorizing the Committee on Post Office and Civil Service to make certain investigations (Rept. No. 91-74);

S. Res. 64. Resolution to provide for a study of matters pertaining to the foreign policy of the United States by the Committee on Foreign Relations (Rept. No. 91-50);

S. Res. 66. Resolution to continue for one year the existing authority for the Committee on Finance to employ six additional clerical employees (Rept. No. 91-49);

S. Res. 68. Resolution to continue the Select Committee on Nutrition and Human Needs (Rept. No. 91-78);

S. Res. 76. Resolution to continue the Special Committee on Aging (Rept. No. 91-79);

S. Res. 80. Resolution to authorize an investigation into the problems of education for American Indians (Rept. No. 91-73);

S. Res. 81. Resolution to authorize certain investigations and studies by the Committee on Labor and Public Welfare (Rept. No. 91-72); and

S. Res. 84. Resolution authorizing the Committee on the District of Columbia to investigate certain matters within its jurisdiction (Rept. No. 91-48).

Under authority of the order of the Senate of February 7, 1969, Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported favorably, with amendments, on February 7, 1969, the following resolution:

S. Res. 44. Resolution to investigate criminal laws and procedures (Rept. No. 91-62).

READING OF WASHINGTON'S FAREWELL ADDRESS ON FRIDAY, FEBRUARY, 21, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of Washington's Farewell Address in the Senate this year, pursuant to the order of the Senate of January 24, 1901, be on Friday, February 21.